

From: Covington, Tayler [covington.tayler@epa.gov]
on behalf of Region2 PAD News [Region2_PAD_News@epa.gov]
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Region 2 News Clips

Gottheimer tours area of alleged Vernon dump site (NJ HERALD; October 16, 2018)

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Editorial: Tonawanda Coke must be liable (BUFFALO NEWS; October 15, 2018)

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Tonawanda Coke: Shutdown news should have been kept confidential (WKBW BUFFALO; October 15, 2018)

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Residents relieved over Tonawanda Coke closure, but say the fight isn't over (WIVB 4; October 15, 2018)

Friday, News 4 reported the Tonawanda Coke Corporation would close its River Road plant. This comes after years of strife between the company and residential community groups, who claim its pollutants for years put homeowners and the environment at risk.

Zeldin, Gershon Face Off On Environmental Issues (PATCH; October 15, 2018)

With Election Day less than a month away, Rep. Lee Zeldin, a Republican who is running for his second term representing the 1st Congressional District, and his opponent, businessman and Democrat Perry Gershon, appeared together for the first time at an environmental candidate forum in Riverhead.

Town of Nassau names waterway in advance of EPA cleanup (TROY RECORD; October 15, 2018)

The Nassau Town Board recently unanimously and officially designated a brook, the subject of millions of dollars in Loeffel Superfund Site clean-up efforts, as "Little Thunder Brook."

N.J. studies first draft of ambitious electrification plan (ENERGYWIRE; October 15, 2018)

New Jersey's Legislature will take a first look at a sweeping series of plans to electrify cars, public transit and school buses today at a hearing before a Senate environmental committee.

State Advised Yet Again to Reject Offshore-Wind Project Near Atlantic City (NJ SPOTLIGHT; October 15, 2018)

The state should once again reject a pilot offshore wind project about three miles from Atlantic City, according to a consultant for the New Jersey Division of Rate Counsel.

State declines to assist Vernon's anti-dumping efforts (NEW JERSEY HERALD; October 15, 2018)

Township officials fear that combined efforts by them and a United States congressman to prevent Vernon from becoming a dumping ground for out-of-town dirt brokers may have been dealt another setback.

[Pinelands Commission awaits DEP's next application for tree cutting \(PRESS ATLANTIC CITY; October 15, 2018\)](#)

The Pinelands Commission has no idea when the state Department of Environmental Protection will reapply to do cut down trees around the fire tower in Bass River Township, an official said Friday.

[EXCLUSIVE: Bill would require air quality monitoring around the city's DEP wastewater plants \(NEW YORK DAILY NEWS; October 15, 2018\)](#)

What's that smell?

[State orders cleanup of Vernon DPW storage yard \(NEW JERSEY HERALD; October 14, 2018\)](#)

After allegedly declining for months to conduct core sampling and testing of Joseph Wallace's suspected dump site in the township on Silver Spruce Drive, the state Department of Environmental Protection now is going after the township itself -- which requested the testing -- based on a complaint made by Wallace's lawyer.

[Could toxic trouble at Tonawanda Coke get worse after it closes? \(BUFFALO NEWS; October 14, 2018\)](#)

The first signal of Tonawanda Coke's impending demise came earlier this year when unusually acrid smoke huffed from its River Road smokestack.

[Clean energy-run boat to keep sewage from Long Island Sound \(WTNH 8 NEWS; October 14, 2018\)](#)

A new boat dedicated to keeping sewage out of Long Island Sound will be running on clean energy itself.

National News

Children's Health

[CBS NEWS: Sidelined children's health official says EPA inaction means "kids are disposable"](#)

[Think Progress: Head of EPA's children's health office fears 'kids are disposable' under Trump](#)

[The Hill: Suspended EPA health official: Administration's actions mean 'kids are disposable'](#)

[ABC News: Ousted EPA scientist says agency effort to protect children from lead has stalled](#)

[The Hill: Suspended EPA health official: Administration's actions mean 'kids are disposable'](#)

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[CNN: Scientist: EPA changes are an effort to 'gut rules' that protect public](#)

[Washington Post: EPA scraps pair of air pollution science panels](#)

[Washington Post: The Energy 202: EPA tells air pollution scientists 'your service on the panel has concluded'](#)

[Popular Science: The EPA just scrapped two expert panels tasked with evaluating air pollution](#)

Emissions:

[Houston Chronicle: EPA weighs allowing oil companies to pump wastewater into rivers, streams](#)

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[Lawsuit Launched Against Trump's EPA for Failing to Protect People From Dangerous Coal Pollution](#)

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Full Articles

Region 2 News

NJ HERALD

[Gottheimer tours area of alleged Vernon dump site](#)

By Eric Obernauer

October 16, 2018

U.S. Rep. Josh Gottheimer, D-5th Dist., returning to a suspected dump site he visited over the summer, renewed his call Monday for state and federal officials to address what the congressman labeled a "massive waste pile" atop the Silver Spruce Drive property of Joseph Wallace.

At one point during his visit, Gottheimer -- who was joined by Mayor Harry Shortway and Sussex County Freeholder Herb Yardley -- was confronted by Wallace, who directed an angry stream of epithets at the congressman and said cryptically, "you guys better leave." Wallace ultimately walked away without further incident.

Gottheimer, citing recent independent laboratory tests that showed what he called "alarming" concentrations of lead in groundwater believed to be seeping downhill from Wallace's property, cast doubt on what the state Department of Environmental Protection described recently as "de minimis" (minimal) and "trace" amounts of construction and demolition material in the soil.

He also reiterated calls for the DEP to conduct core sampling and laboratory testing of the dumped dirt to determine its contents, something the DEP thus far has declined to do.

"Let the head of the DEP come here right where I'm standing now, and explain to me how this fits the definition of de minimis," said Gottheimer as he pointed to a section of the hill where several chunks of concrete, metal piping, and rebar could be seen in plain view amid what appeared to be dozens of blocks, bricks, and other scattered debris.

Gottheimer, who wrote to the federal Environmental Protection Agency in July, said officials there had told him to deal directly with the DEP, which told him recently that it saw no need for laboratory testing of the dirt and that the issue was one for the township to deal with on its own. Earlier this year, a DEP spokesperson told the New Jersey Herald that the agency had also reviewed analyticals supplied by Wallace and those trucking materials to his site -- which backs up to wetlands and is located just a few hundred feet from the Wallkill River National Wildlife Refuge -- and found them all satisfactory.

"We have not seen any of those analyticals, so I don't know what they're talking about," Gottheimer said. "Until we finally get this tested in the proper way, I'm going to keep writing to the governor's office and the DEP and EPA. I don't understand why this is so complicated."

In a letter Friday to the DEP, Gottheimer noted that lead is not normally found naturally in groundwater or surface water but instead usually comes from corrosion of lead pipes or other man-made materials. The letter ended with a request

for "more information on the methodology DEP used to determine that the amount of construction waste in the pile is de minimis, particularly if minimal physical testing was conducted."

Wallace, who is appealing a \$75,000 municipal court fine he received in May for violating a 4-year-old stop work order by the Sussex County Soil Conservation District, is currently facing a new stop-work order that bars him from receiving any additional soil or fill material on any portion of his 4.3-acre site until he obtains an approved soil erosion and sediment control plan from the state.

Until recently, township police had been attempting to enforce the order by turning away dump trucks making deliveries to Wallace's property. However, with a judge having denied the township's request for an injunction against Wallace -- and with Wallace's attorney, Jeff Patti, having threatened the township and its police department with a lawsuit for exceeding their enforcement powers -- it is unclear who is enforcing the order at this point.

For now, according to Patti, Wallace is abiding voluntarily by the order. "He tells me he's not violating the order," Patti said.

But on Monday, just as Gottheimer arrived, two dump trucks were seen pulling into Wallace's property.

Jenny Higgins, who lives on Woodland Hills Drive directly behind Wallace's property, told the New Jersey Herald late Monday that this is nothing new -- that she sees and hears as many as 15 to 20 dump trucks, and sometimes as many as 30, arriving and dumping material on Wallace's property each day.

Patti, who previously filed a court certification indicating that Wallace was using the material to fill in an area of his property washed out by Superstorm Sandy, has since backed away from that assertion. But when asked Monday what else Wallace was using the material for, he had no answer.

Patti had also previously claimed that Wallace was using his property as a "staging ground" to receive "clean topsoil for my client's landscaping business," but admitted over the weekend and again Monday that he did not know the name of Wallace's landscaping business or if Wallace had a site plan approval from the township for his activities. He said he would try to find out but, after speaking with Wallace earlier Monday, said he still did not know and did not respond back to the Herald by deadline.

Regardless, he said, the statement about Wallace using his property for a landscaping business was merely an "innocuous" statement that some township officials were now taking out of context. He suggested that what Wallace is doing is no different from an accountant or lawyer using a home office to print out bills or legal documents.

In the meantime, Higgins -- the Woodland Hills Drive resident -- said that with the recent concerns about lead, which she worries could make its way into her well, she has resorted to using bottled water and having her children spend as little time in the shower as possible. She said she even has begun having her 3-year-old child bathe at the home of relatives when possible.

"Heavy metals don't necessarily have to be consumed -- they can be absorbed through the skin just by sitting in the water," she said.

Eric Gorovoy, a neighboring Silver Spruce Drive property owner who requested the water testing, told the Herald he isn't only concerned about the contents of the dirt pile on Wallace's property but also its volume. He said a rainstorm about 10 days ago caused what he described as a "mudslide" from Wallace's property onto his own that required a full day to be cleared from his driveway, some of whose apparent remains could still be seen Monday.

Patti, meanwhile, has described what is happening to Wallace as "a witch hunt" and said he is prepared to go to court to have the latest stop-work order against him overturned. He also noted that Vernon's own DPW had been cited by the state recently for housing asphalt millings, demolition debris and street sweepings in a storage yard near the Black Creek -- a complaint that was phoned in by Patti himself.

"Josh Gottheimer is not the DEP, and if Congressman Gottheimer was really concerned about doing a proper investigation, he would be asking the township about its own illegal dumping," Patti said.

BUFFALO NEWS

[Editorial: Tonawanda Coke must be liable](#)

October 15, 2018

The smoke is starting to clear from Tonawanda Coke, literally and figuratively. As the Town of Tonawanda plant continues shutting down there will be two chief concerns for Western New York: Who is supervising the cleanup and who will be held responsible for whatever damage is left behind? The answer to the second question should be plain: The company and its owner should be liable.

The company last week submitted a shutdown plan to the U.S. Environmental Protection Agency and the state Department of Environmental Protection. The agencies have been putting pressure on the company, with the DEC stating Tonawanda Coke violated state air quality permits close to 120 times between May 18 and July 6.

U.S. District Judge William Skretny in September ruled the company had transgressed the terms of its probation from a 2013 conviction for violating the Clean Air Act. Skretny allowed the company to stay open while ordering the plant's smokestacks be tested for pollutants, but it has been a reckless and inconsiderate corporate citizen.

The company claims it is under financial distress, leading its management to agree last week to the shutdown, which began Sunday. Some 75 to 100 employees at the plant will lose their jobs.

A story in The News on Monday said State Police and representatives from the state Labor Department and DEC are at the River Road plant overseeing the closure. The process is "under rigorous DEC oversight," the agency said.

"Rigorous" should be an understatement. Coke, an industrial fuel made by burning coal, was produced at the plant for 101 years.

Environmental groups have been sounding alarms about the plant for decades.

Heavy metals, arsenic and cyanide are among the substances detected there.

"What's going to stay on-site? That would be something very important for the public to know," Jessica Castner, a Ph.D. research scientist who studied Tonawanda Coke's air pollution, told The News.

The presence of State Police and the DEC presumably means the plant's owner, Paul A. Saffrin, cannot just walk away and leave a mess. The DEC has identified three areas on the 160-acre property as state Superfund sites, primarily spots where wastes from coke production were disposed of, causing widespread contamination. The DEC has designated these sites for expedited cleanup.

The DEC has vowed to keep the public informed about shutdown procedures and activities. Transparency and oversight will be critical as the plant is mothballed. In addition to monitoring the grounds and the soil, the Niagara River must be protected.

Tonawanda Coke was fined \$25 million after its 2013 court conviction. In court papers filed last week, EPA environmental engineer Harish Patel said the company was "in such bad financial straits that they had payroll only for one week." No one can be sure what that says about the owner's own finances, but the history of other company shutdowns suggests it may take years of legal proceedings to make the company pay the entire cost of cleaning the site.

Cutting off the emissions pouring from Tonawanda Coke's smokestacks is a people-pleasing first step, one that will resonate with environmentalists as well as neighbors of the plant. "I won't miss those smells – weird, unique, nasty smells," one neighbor commented.

But it's just the beginning. Whatever damage has been done to the plant's environs had 101 years to accumulate; remediating it won't happen overnight.

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WKBW BUFFALO

[Tonawanda Coke: Shutdown news should have been kept confidential](#)

By Thuy Lan Nguyen

October 15, 2018

After the state DEC announced they would assist in shutting down Tonawanda Coke, the company is speaking out for the first time.

Tonawanda Coke says the news of the shutdown should have been kept confidential, but instead employees learned of the closing through local news outlets.

The company released the following statement:

Sadly, largely due to the financial obligations of its criminal sentence, significant and unanticipated expenses, the loss of a funding source, and the multiple and coordinated enforcement actions brought by various government agencies, Tonawanda Coke cannot continue operations.

The Company began considering this decision last week and immediately started to plan an orderly and safe shutdown process in direct consultation with DEC and EPA.

Despite our understanding that this information would be kept confidential, it was not, causing our workers to learn about the shutdown through the media.

This outcome is truly unfortunate. Confidentiality was necessary to ensure the safety of Tonawanda Coke's workers and the community, as shutting down a coke battery can be a complex and dangerous activity which can only be safely accomplished through careful, detailed planning, and utilization of experienced personnel. It was essential that we communicate with our workers to ensure they understood the situation and would continue to operate the battery safely.

Despite the disappointing change in circumstance, we are doing our best to ensure a safe and orderly shutdown.

We extend a debt of gratitude to all our workers, and sincerely apologize that circumstances beyond our control brought about this untimely end to the Company's existence.

The DEC announced on Sunday afternoon the shutdown process has begun. The Department of Environmental Conservation will be on-site during closing procedures. The New York State Department of Labor has deployed a rapid response team to help employees of Tonawanda Coke apply for unemployment and find job replacements and medical benefits.

Aside from having staff on site at the TCC facility, DOL will also be opening their local career centers early tomorrow (7:30 a.m.) to continue providing services. Career counselors and unemployment insurance specialists will be on-site to assist. Displaced workers are urged to stop into either the Buffalo Career Center (284 Main St, Buffalo, NY, 14202, 716.851.2600) or the Niagara Falls Career Center (Trott ACCESS Building, 1001 – 11th Street, Niagara Falls, 14301, 716.278.8258).

Two Rapid Response sessions are scheduled for impacted workers on Thursday, October 18, at 9 a.m. and 1 p.m. at the United Steel Workers Union Hall, 810 Sheridan Drive, Tonawanda, NY 14150. Computers will be available for affected workers to apply online for unemployment insurance and search for jobs. All workers are welcome at these sessions, whether they are represented by the union or not.

WIVB 4

[Residents relieved over Tonawanda Coke closure, but say the fight isn't over](#)

By Jenn Schanz

October 15, 2018

Friday, News 4 reported the Tonawanda Coke Corporation would close its River Road plant. This comes after years of strife between the company and residential community groups, who claim its pollutants for years put homeowners and the environment at risk.

"They don't live in a bubble. They live in a community. And they have a responsibility to this community," said Jackie James Creedon, Director of Citizen Science Community Resources.

Attorneys for the company attempted to block News 4 from being present during a federal court hearing Friday, where the plans for a shutdown were revealed. However, U.S. District Judge William Skretny allowed News 4 Investigate Producer Dan Telvock into court.

Monday morning, the company released the following statement:

"Sadly, largely due to the financial obligations of its criminal sentence, significant and unanticipated expenses, the loss of a funding source, and the multiple and coordinated enforcement actions brought by various government agencies, Tonawanda Coke cannot continue operations. The Company began considering this decision last week and immediately started to plan an orderly and safe shutdown process in direct consultation with DEC and EPA. Despite our understanding that this information would be kept confidential, it was not, causing our workers to learn about the shutdown through the media. This outcome is truly unfortunate. Confidentiality was necessary to ensure the safety of Tonawanda Coke's workers and the community, as shutting down a coke battery can be a complex and dangerous activity which can only be safely accomplished through careful, detailed planning, and utilization of experienced personnel. It was essential that we communicate with our workers to ensure they understood the situation and would continue to operate the battery safely. Despite the disappointing change in circumstance, we are doing our best to ensure a safe and orderly shutdown. We extend a debt of gratitude to all our workers, and sincerely apologize that circumstances beyond our control brought about this untimely end to the Company's existence. Questions should be directed to Tonawanda Coke's counsel, Hodgson Russ LLP."

According to the company, it began considering a shutdown last week.

Workers at the River Road plant said they were given little to no notice before hearing they'd be out of a job by the end of the month. Most employees at TCC are not unionized.

According to a letter handed to one worker Monday morning, TCC's Director of Human Resources and Safety said:

"Tonawanda Coke expects that the shutdown of the Facility will occur during the 14-day period starting on Sunday, October 14, 2018 and ending on Saturday, October 27, 2018. As a result, your work at the Facility through Kirchner will also come to an end during this same 14-day period. The entire Facility will permanently close as a result of this shutdown and no bumping rights exist."

The process of shutting down the existing 30 functioning coke ovens will take around 37 1/2 hours.

The state DEC will be on site during the shutdown process.

According to an affidavit from the EPA, the agency expressed many concerns over the shutdown process itself.

"The regularly agencies stated that TCC needed to make sure that they alerted the fire department. TCC stated that the only risk of explosion was the battery," the affidavit states.

According to the DEC, several area fire departments were informed of this risk.

The EPA also expressed concern about asbestos during the shutdown process.

Air monitoring is currently being done around the plant. The DEC said once the shutdown process is complete, it will investigate any potential contamination on-site.

"We always care about jobs in western New York, but they also sent all kind of horrible stuff into the neighborhood," said Sen. Chuck Schumer (D) Monday morning.

Tonawanda Coke was found guilty of violating its probation in September for breaking state environmental laws related to its heat stack.

The question then became how it was going to pay it's remaining 2 million dollar community service payment.

This all comes after the company was convicted of violating the Federal Clean Air Act in 2013, incurring millions in fines and community payments.

James Creedon said she is optimistic at this point; she feels the shutdown is the surrounding community's chance to turn a new page.

But she told News 4 there's still a lot of work to be done before residents are fully at ease.

"There's the clean-up. There is the clean-up on site and there's the clean-up off site. You know, potentially what went off site of Tonawanda Coke?"

The DEC responded to News 4's inquiry about off-site contamination with the following statement:

"As with all contaminated sites, if DEC's investigation finds any contamination has migrated off the site, DEC will take the appropriate steps to thoroughly investigate that contamination, develop a cleanup plan to prevent any exposure to that contamination, and undertake actions to clean up that contamination."

City of Tonawanda resident Joyce Hogenkamp is still waiting on results for exterior testing the DEC did on her home.

"The most surreal feeling was looking at the stacks yesterday and seeing nothing coming out of them at all. That brought me a sense of peace," she said.

However, Hogenkamp said the stigma created by TCC still remains. She's not sure how long it will take to remove that stigma.

"Since the site is listed on the Superfund list, that the clean-up action will actually take place pretty quickly," said Town of Tonawanda Supervisor Joseph Emminger.

He'd like to see the site re-purposed

"What about the new Bills stadium? Everything is right there. I throw that out for consideration at this point," he told reporters Monday afternoon.

The Tonawanda Coke Corporation has until October 17 to provide the federal government with its detailed financial information.

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PATCH

Zeldin, Gershon Face Off On Environmental Issues

By Lisa Finn

October 15, 2018

With Election Day less than a month away, Rep. Lee Zeldin, a Republican who is running for his second term representing the 1st Congressional District, and his opponent, businessman and Democrat Perry Gershon, appeared together for the first time at an environmental candidate forum in Riverhead.

The event, hosted by the New York League of Conservation Voters, Citizen's Campaign for the Environment, Save the Sound and Defend H2O, was held at the Suffolk County Community Culinary Arts & Hospitality Center on Main Street. The candidates did not debate one another; the forum was held in two parts, with Gershon answering questions first, followed by Zeldin.

An unhappy crowd was told at the doors to the event that the room was "at capacity," and, according to fire regulations, could not accommodate any additional guests; the event was registration only and was listed as filled online.

Gershon, who has a home in East Hampton, kicked off the event, which included questions from a panel including Louise Harrison of Save the Sound, Adrienne Esposito of Citizen's Campaign for the Environment, and Kevin McAllister of Defend H2O, as well as three questions each from the audience.

Gershon said it was the first opportunity he and Zeldin have had "to respond to each other — and we couldn't have a better topic. The environment is under attack. Society needs members of Congress who are going to stand up and protect the environment."

The role of a congressman, he said, used to be focused on securing funding but now, "the job goes a lot further," Gershon said, with climate change a major concern. "We need a congressman that's going to stand up to the Trump administration and say, 'No, we're not going to take this anymore. We're going to get on the right track.' That's why I ran for Congress."

Gershon came out swinging at Zeldin. "You're going to listen to Lee Zeldin tell you how he's taken votes to protect the environment." But looking at the "big picture," Gershon said, "Lee Zeldin's record on clean air and water is zero percent. He is not a friend of the environment and if we care about Long Island, the place we live, the water that surrounds us . . . we need to reverse their course. I'm here to stop it and to get back on track, at least from an environmental standpoint."



In his opening statement, Zeldin, who entered the room to rousing applause and a standing ovation, said environmental concerns were "important issues that should bring us together in fighting for this district."

Zeldin, who lives in Shirley, said he's lived on Long Island, surrounded by water, his entire life. Running over his environmental successes, Zeldin said he is the co-founder of shellfish and national estuary caucuses; he pointed to a "big win" a week ago when President Donald Trump signed a bill reauthorizing the EPA's five-year Long Island Sound program, to the tune of \$65 million per year. He highlighted efforts to stop Connecticut's dumping of dredge spoils into the Long Island Sound and efforts to protect Plum Island from sale and preserve the parcel. He also discussed tax credits for preservation, a fully funded national estuary program — there are two national estuaries, of the 28 nationwide, on the East End, including the Long Island Sound and the Peconic Estuary, Zeldin said. He also spotlighted a fully funded National Sea Grant as another battle he's fought for the district.

Zeldin said he opposes the current administration's plan as it relates to offshore drilling, noting that, since the resources don't exist off the East Coast, damage would be caused just by exploring the areas. In addition, Zeldin said, "We don't have the infrastructure — and we just don't want it."

He thanked the crowd for coming, "regardless of who you support."

The issues

Harrison asked both candidates about comprehensive wastewater treatment. With deep cuts to the Environmental Protection agency, she asked the candidates what they would do to guarantee that the federal government was a "fully engaged" partner in addressing environmental needs.

Gershon said it's a multiple step approach, including enforcement of the EPA, originally created under the Nixon administration to protect the environment, which seems to be "repurposed under Trump." On Long Island, there's a need to protect water, improve infrastructure such as sewers and septic systems — but, he said, monetary needs exceed what the county and state can supply, so the federal government plays a critical role.



"The federal government has a fund" to address those needs, he said, and "we need to replenish those funds. Lee Zeldin is not voting to do that. . . I will vote the other way and find ways to work with the other side to find small constituencies to protect the environment," adding riders to a bill, for example, to help fight back against water pollution or fund new infrastructure. "We need to make sure it gets funded. If I can't do it by myself, let's work with the other side. We need to go back to more bipartisan governance. The environment is, for the most part, save the Trump administration, a bipartisan issue."

Zeldin responded to Harrison's question by stating that he lives on the Mastic Peninsula, where the Forge River might arguably be one "of the most polluted waterways in the state of New York." He pointed to large dredging project he's supported involving the Moriches Inlet that hopefully can flush out the Forge Inlet.

While the days are gone when the federal government paid 95 percent of the cost of large projects, the goal is to secure additional federal government funding, "to get these much-needed projects over the finish line," Zeldin said. Also critical, he said, is multiple levels of government working together.

Esposito said Trump "seems to be working hard at eviscerating" clean air, rolling back regulations on carbon dioxide and mercury emissions, as well as methane emissions. Suffolk County, she said, regularly gets an "F" from the American Lung Association for its air quality. "We deserve better," she said. "How will you fight the plan to roll back climate change" and the seeming goal to "rescue coal. . like rescuing the Edsel?"

Zeldin said the Clean Air Act has been a bipartisan success for decades; standards are set on a state by state basis, he said. "I believe it's hugely important to ensure we have stringent standards set to provide clean air and clean water for Long Island and across the country," Zeldin said. "We have to be smart and set ambitious and obtainable goals." On Long Island, he said, "We have outdated plants that are economically and environmentally inefficient." The good news, he said, is that there have been technological advances. He said inside the White House, "they feel strongly about clean air standards," and added that it's critical to ensure that the government is enacting smart policy to protect the environment.

Gershon responded to Esposito's question: "Unlike the President, who said, 'I alone can fix things,' I alone cannot fix things." But with the right numbers, Congress, he said, has the ability to make change when Trump puts through policy "counter to federal laws or norms. Congress has the right to hold hearings, but that only happens when there's a Congress that's properly putting checks on the executive branch," something, he said, the current House of Representatives is not doing. "We need numbers to stand up to the President to make sure the EPA is doing what the EPA is supposed to do," Gershon said. He also said the the United States needs to get back into the Paris Agreement.

Next, McAllister discussed sea level rise, and said the response on the East End has been largely sand replenishment and coastal armoring. He asked both candidates what they would do to ensure the coastline remained sustainable for public use.

"The reality is, long term, as sea levels rise, we're going to have to move further back away from the shore," Gershon said. "You can put band aids; sandbags work sometimes, sometimes, they don't. The real answer is to move back our usage. Where the shoreline is today is not going to be where it is tomorrow." Once again, he suggested the U.S. get back into the Paris Accord and focus on clean energy technology such as solar and wind power, with incentives at the federal, state and county levels. Producing wind turbines in Suffolk County would also mean new business and jobs, he said.

Zeldin said there are places that need attention: "We don't want downtown Montauk to fall into the water. Hashamomuck Cove is in pretty bad shape; in some areas, the beach is gone at high tide." He also said the Mastic Peninsula needed to be addressed to protect lives.

Part of the Fire Island to Montauk Point Reformulation Study, he said, includes coastal resiliency, including raising 4,400 homes. Those engaging in mitigation could have a reduction in flood insurance, he said.

"Some might suggest to move inland, especially if you don't live here," Zeldin said — Zeldin has alleged that his opponent, whom he's called "Park Avenue Perry," lived in Manhattan and had a weekend home in East Hampton, where he registered to vote for the election. But others he said, live in the area and have homes and businesses.

"Some will say, move away from the coast, but if you are being responsible, there are many different aspect you need to pursue, as opposed to telling your constituents you just need to leave," Zeldin said

Next, McAllister asked about the EPA lifting a restriction on pesticides in surface waters and the candidates' stance.

Gershon said it's a balance, because pesticides fight mosquito borne diseases, but at the moment, there isn't a huge problem with those diseases. He said the key, however, is to reduce standing water.

Zeldin said combatting West Nile virus s not just about pesticide use, it's about public education, surveillance, and control. East End farmers are using more organic substances; studying the use of pesticides to combat West Nile in other areas is

also helpful, Zeldin said. Restrictions are important, he said. "We could do a lot better than what we're doing," he said, but added the government has been active in studying the issue.

Esposito asked about the Federal Emergency Management Agency's striking "climate change" from its strategic plan, despite its goal of readying the nation for catastrophic disaster. "Ignorance isn't bliss. Ignorance is dangerous," she said.

"We do have a problem right now," Gershon said. "We had a president on TV last night who denied climate change. He poo poos it, doesn't take it seriously. It's very hard with the President of the United States denying scientific fact to have a good strategic plan going forward; however, we must do it. Climate change is real. As members of Congress, hopefully with a Democratic majority, we need to push to correct some missteps taken by the Trump administration."

Zeldin said the Department of Defense has continued its work strategically in the area of climate change. "Amendments have been filed to strike the climate change language out of the Department of Defense. I was one of the Republicans that voted against that amendment. . . We as a country need to have a discussion on the topic."

Harrison then asked about how each candidate would fight to preserve federal conservation lands, when there are "loud voices" in the present administration calling for the federal divestiture of such lands, some for exploitation of mineral and fossil fuels, some for state control. The Dept. of Interior, she said, lists American energy as a top priority with "alternate energy at the bottom of that list."

"Conservation is hugely important for our district," for Republicans, Democrats, liberals and all, Zeldin said. "We have a long history of presidents and administrations looking to preserve more land, not less." Locally, he pointed to the fight to save Plum Island, 90 percent of which is "undeveloped — and it should stay that way," with more public access and possible partnerships with schools and research facilities.

The East End looks as it does, he said, because of conservation easement tax credits. "There are some in Congress that want to sell off more land, but they remain very much the minority," Zeldin said.

Gershon said he is proud of the steps prior administrations have taken to protect land; on Long Island, open space has been a priority. "We don't allow rampant development. We need to take a similar path going forward. We can't allow selling of federal land, or offshore coastal exploration."

While Gershon acknowledged that Zeldin has spoken up against offshore drilling for Long Island, he, himself, opposes the plan on the entire eastern seaboard, as well as by using alternative energy, not crude oil.

The candidates were asked audience questions, the first being what they could bring to the table, attributable to them, to protect the environment.

Gershon said he hasn't been in federal government before but that doesn't mean he can't represent the public and its interests. "They are our interests and we need to fight what's happening today," he said.

Zeldin said he can't take sole credit for something that's a product of working hand in hand with his colleagues, listing multiple examples. "It would be wrong of me to go down the list and say, 'It was all me.'"

When asked what they would do to encourage energy efficiency on Long Island, Zeldin said the key is to start young, getting kids involved in giving back; for example, the Moriches Bay Project, or teaching them about the need to have clean water. Education in schools, at home, or teaching children an understanding of the process of rain going through the lawn and into local water, are lifelong lessons, he said. "A lot of this is education. So that when you are an adult, a homeowner, you can be more responsible." And, he said: "People are motivated by economics." Economic incentives, new technologies, offshore wind, clean energy projects and tax incentives for solar power are all ways to encourage energy efficiency, he said.

Gershon pointed to tax incentives as a way to motivate individuals. "It's the right thing to do, but with the tax incentives you get people to buy in and cooperate, and to do it faster," he said.

When asked about how to fight back against plastics in the ocean, Gershon said the use of plastic bottles and bags needs to be discouraged.

Zeldin pointed to Cornell Cooperative, which does great work cleaning fishing lines and plastics out of local waterways; he added that along with local programs, individuals need to be more responsible.

Each candidate then gave a closing statement.

"We're at a juncture in our country right now. If we care about the environment and we want our government to be taking steps to protect our en we need to elect leaders who will make sure those steps get taken," Gershon said. "We have an administration out to reverse decades of advances on protecting the environment. We need to elect representatives who will work essentially against the administration, fight the administration or will check the administration to make sure that we're looking out for our environment and not looking out for private enterprise . . We need to protect our clean air and our clean water. We can't be voting for the polluters at the expense of our environment."

He added that there's a need to push clean energy "and not clean coal." He added: "Building walls aren't the answer, not on the border and not the sea wall from Fire Island to Montauk. The long-term solution is to fight global warming so the sea level doesn't rise as quickly, he said.

"This is everything that America is all about," Zeldin said. "What's going to happen over the course over these few weeks ultimately leads to an Election Day where the voters decide who represents them. It's a beautiful thing. No one's going to tell you how you are required to vote. It's all between you and the ballot box." He urged all to vote. "Regardless of who you are voting for, more people need to participate in the process." It's very important, he added, when an election happens, if a candidate comes in first or second, they accept the results and work together. "My message . . is to talk to your supporters and work with your colleagues because we in a country need to do a better job working together . . . coming together after this election."

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TROY RECORD

[Town of Nassau names waterway in advance of EPA cleanup](#)

October 15, 2018

The Nassau Town Board recently unanimously and officially designated a brook, the subject of millions of dollars in Loeffel Superfund Site clean-up efforts, as "Little Thunder Brook."

"This is a new chapter in the healing of our community from the toxic contamination of the Dewey Loeffel Toxic Landfill," Nassau Supervisor David Fleming said in a press release. "We are a community rich in environmental resources and we value these natural features. Providing a name to a beautiful brook and recognizing its importance is a necessary step in making it clear to polluters and the agencies involved in this Superfund site cleanup that our resources and our community matters."

Officials said millions of dollars have already been spent and several more are expected to be spent in settlements to clean-up the Loeffel Superfund Site waterway which was given the name of T-11A by the state of New York.

Little Thunder Brook is a tributary which is part of the Hudson River Watershed.

"The health of the Hudson depends on the health of its tributaries. Even the smallest streams matter," Water Quality Program Director for Riverkeeper, Dan Shapley, said in the release. "Naming a stream is a simple and powerful act. Once we've ennobled a stream with a name, it's harder to neglect and pollute it. And I have to add, Little Thunder Brook is an awesome name."

Officials said the Town's naming stems from the prominent role Nassau played in the 1840s Anti-Rent War. Nassau resident Frank Abbott was a distinguished leader of the Anti-Rent War which helped reform property rights and instigated political upheaval that brought down a governor of New York. Abbott's battle name was revered as "Little Thunder."

Fleming stated, "Frank Abbott helped to bring down politicians that ignored the rights of rural residents. In this fight for our collective future, it is fitting that we honor Abbott's legacy with the healing represented by the work about to start on Little Thunder Brook."

"The residents of Nassau have been fighting for years to force the state and federal cleanup of the Loeffel Superfund Site and to hold the polluters accountable. Their work, led by Supervisor Dave Fleming, is critical to the health of the entire Capital Region. Their efforts at the same time to turn the page and express the value of their water resources by honoring their history should be commended," Assemblyman Jake Ashby added in the release.

For years, Nassau officials said they have called for a halt to potentially unsafe discharges from this toxic site which has twice the contamination of Love Canal.

Between 1952 and 1968, an estimated 46,000 tons of toxic industrial waste were dumped at the site. EPA has already outlined that these wastes included industrial solvents, waste oil, PCBs, scrap materials, sludge and solids.

Since 1980 until the site was added to the federal Superfund list in 2011, numerous investigations and cleanup actions were performed at the site by the polluters and the New York State Department of Environmental Conservation.

Officials said the EPA is supervising plans to once again attempt to completely remediate a tributary to the Valatie Kill labeled by agencies as T-11A. This brook, Little Thunder Brook, has been dramatically impacted with contamination from the Dewey Loeffel Toxic Landfill. This stream was previously "remediated" by NYSDEC more than 15 years ago at a cost in the millions of dollars.

The Valatie Kill is a Hudson River tributary.

The small stream is a vital habitat for small fish and the Valatie Kill. Contamination from this tributary is a source of ongoing contamination to the Valatie Kill and related waters. Current contamination in the stream after the first remediation, in some areas, is 7,500 times the acceptable limits for PCB contamination.

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ENERGYWIRE

[N.J. studies first draft of ambitious electrification plan](#)

By David Iaconangelo, E&E News reporter

October 15, 2018

New Jersey's Legislature will take a first look at a sweeping series of plans to electrify cars, public transit and school buses today at a hearing before a Senate environmental committee.

Sponsored by the chairman of that committee, the draft bill ties together items plucked from a smattering of prior electric-vehicle proposals. Emerging from consultation with a 30-plus-member EV work group, it's the state's first major shot at clean transportation under Democratic Gov. Phil Murphy, who has overseen and signed laws to cut power-sector emissions.

"The goal was to pull together a lot of the bills that are out there and make it the comprehensive one," said Chuck Feinberg, chairman of the New Jersey branch of the Energy Department's Clean Cities Coalition and a member of the work group.

In the draft to be considered today, environmental and transportation authorities would be tasked with ensuring the installation of at least 600 fast chargers and 1,000 Level 2 stations for public use, with new mandates for workplaces and multifamily residences.

The network would presumably complement chargers installed by utilities PSE&G, which proposed a 40,000-station build-out just weeks ago, and Exelon-owned Atlantic City Electric, in a smaller request last February (Energywire, Sept. 28).

Built and paid for through public-private partnerships, it's unclear what portion of the cost would fall to the state, utility ratepayers or private companies. But electric utilities would be required to submit plans to build and operate the charging network — and potentially own the equipment.

"It's hard to argue with the goals of the legislation," said Feinberg. "The question is who pays for that and how."

The state's public transit agency would ditch diesel buses for all-electric versions over time, focusing turnover in low-income and environmental justice communities and eventually reaching 100 percent of new purchases in 2025.

School buses would get similar treatment, with demonstration projects beginning shortly afterward and a longer-term conversion planned by school districts, utilities and agencies.

The bill also tries to give a hand to potential buyers of private EVs.

A total of \$300 million in rebates would go out to EV buyers over three years, with the money provided by utilities, Regional Greenhouse Gas Initiative revenues and other energy funds.

Car dealerships could claim cash incentives for every zero-emissions vehicle sold or leased, while drivers could get them for scrapping their old car and buying an electric one, with an eligible amount rising for low-income customers.

Under a multistate accord, the state wants to have 300,000 zero-emissions vehicles registered by 2025. Only 14,000 are now.

"Other states have moved ahead of us on electric vehicles. And this is our chance to catch up," said Jeff Tittel, director of the state's Sierra Club chapter.

Drivers there tend to get rid of new cars quicker than most places, he added, meaning it could make swift progress on its goals once incentives and infrastructure are in place.

"We could see a changeover to electric vehicles happen fairly quickly," he said.

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NJ SPOTLIGHT

[State Advised Yet Again to Reject Offshore-Wind Project Near Atlantic City](#)

By Tom Johnson

October 15, 2018



The state should once again reject a pilot offshore wind project about three miles from Atlantic City, according to a consultant for the New Jersey Division of Rate Counsel.

In testimony submitted to the state Board of Public Utilities, the consultant argued the 25-megawatt Nautilus Offshore Wind LLC project is too expensive for ratepayers and fails to provide a net economic benefit to New Jersey.

The conclusion is significant because the Rate Counsel had backed a previous iteration of the project, which was previously twice rejected by the BPU.

The project, by EDF Renewable Energy, is now back before the regulatory agency after the Legislature pushed a bill requiring the BPU to review it anew. Gov. Phil Murphy signed the legislation without comment.

Governor has aggressive targets

Offshore-wind development is one of the governor's top priorities. Since he took office, his administration has pushed through goals to develop 3,500 MW of offshore wind by 2030, the most aggressive target in the nation.

The BPU recently opened a window seeking proposals from offshore-wind developers to build up to 1,100 MW, a process likely to attract as many as four companies seeking to build grid-scale projects 10 miles or more off the Jersey coast.

None of those projects would likely be built sooner than the Nautilus project, which its advocates say would serve as a demonstration project for future, more expansive offshore-wind farms.

"The Nautilus project offers an opportunity to develop the infrastructure and skilled workforce needed to establish New Jersey as the forefront of the offshore wind industry," said Doug Copeland, regional project development manager for EDF.

A starting point or an end?

Copeland described the heavily-redacted brief from the consultant, David Dismukes, as a starting point for continued negotiations on how best to move forward on the project.

"The Ratepayer's Advocate has supported the Nautilus project in the past, and we are confident that they will ultimately support the project by the end of this process as well," Copeland said.

But Dismukes argued the state should not approve the project nor revenues from utility customers from a new subsidy they will pay to promote offshore wind.

"The Nautilus project is clearly expensive relative to any traditional fossil fuel-fired resource, but also exceptionally expensive relative to a wide range of commercially available renewable energy resources," Dismukes said.

Just how expensive he did not detail. In his written brief, much of the specifics about the project — what it would cost, the status of federal tax incentives it could garner, and ratepayers' subsidy — was redacted.

'...simply too expensive'

"The project is simply too expensive and will lead to more costs than benefits for New Jersey ratepayers despite the fact that these cost burdens, according to the company, may amount to only a few dollars per year," Dismukes said.

He also noted that, except for the nation's first offshore-wind farm off the coast of Rhode Island, most offshore-wind development in the U.S. "is moving forward quickly with expansive programs that effectively skip any form of 'experimental' or 'pilot' process."

Murphy's executive order setting a 3,500-MW target for offshore wind, Dismukes noted, would require the state to build about 300 MW annually — a level that cannot be reached efficiently on an individual project base.

That argument resonated with some. "There are big projects coming," said Jeff Tittel, director of the New Jersey Sierra Club, a proponent of offshore wind. "That's where we need to concentrate."

Some offshore-wind advocates fear the Nautilus project, because it is so small, will not achieve the economies of scale that larger grid-scale proposals have that drive down the ultimate cost to utility customers.

Dismukes apparently shares those concerns. "The board should once again reject the company's project since it comes at a cost too high for New Jersey's ratepayers," he said.

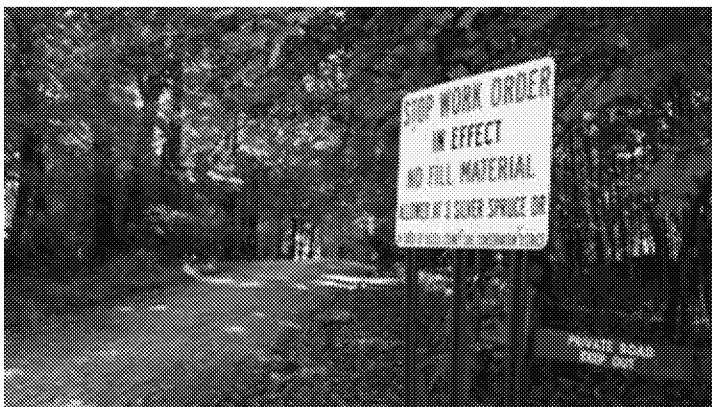
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NEW JERSEY HERALD

[State declines to assist Vernon's anti-dumping efforts](#)

By Eric Obernauer

October 15, 2018



Gottheimer slams DEP for inaction; judge refuses to hear township's appeal

VERNON -- Township officials fear that combined efforts by them and a United States congressman to prevent Vernon from becoming a dumping ground for out-of-town dirt brokers may have been dealt another setback.

The state Department of Environmental Protection, after several inquiries by U.S. Rep. Josh Gottheimer, D-5th Dist., has told the congressman there's no need for the state to test the soil at a suspected dump site on Silver Spruce Drive and that it's up to the township to deal with the issue on its own.

"I don't understand why we can't get the DEP to act," Gottheimer told the New Jersey Herald. "I've written them letter after letter, made call after call, and all I've heard are nothing but excuses."

The DEC's Oct 3 response to Gottheimer, coming six weeks after Gottheimer's Aug. 20 letter to DEP Commissioner Catherine McCabe, came as an independent laboratory's test results of groundwater believed by a neighbor to be seeping from the site onto his own property and into nearby wetlands showed elevated levels of lead that the report indicated were more than 15 times greater than the limit allowed by the DEP.

Lead rarely occurs naturally in water, and over time, exposure to it can cause high blood pressure and irreversible brain, kidney and nervous system damage, according to the federal Centers for Disease Control and Prevention,

The DEP's response to Gottheimer also came one day after a two-judge panel refused to hear Vernon's motion for an appeal of a court ruling that denied the township's request for a restraining order against the Silver Spruce Drive property owner, Joseph Wallace, who is suspected by neighbors and township officials of using his residentially zoned property as a receptacle for potentially contaminated dirt and construction waste.

The township filed the motion for an appeal after state Superior Court Judge Robert Brennan twice denied Vernon's request -- first on July 11, and again on Aug. 10 -- for an injunction to keep Wallace from dumping on his property and from continuing to commit what the township had argued were continuing violations of a 4-year-old stop work order. The judge, however, concluded that the wording of the order did not apply to Wallace's entire property but only to the footprint of the original disturbance, and ruled that Wallace was not in violation.

At the time of that ruling, Wallace had already been fined \$75,000 in a separate decision by a municipal court judge in May -- a decision he is appealing -- for his alleged violations of that same stop-work order. The August 2014 order was issued by the Sussex County Soil Conservation District office in Hampton, one of 15 offices of the state Department of Agriculture throughout the state responsible for enforcing New Jersey's soil erosion and sediment control regulations.

DEP says it's a local matter

Gottheimer, after visiting the Silver Spruce Drive site with local officials on July 31, urged the DEP in his Aug. 20 letter to conduct core sampling and laboratory testing of the dirt pile on Wallace's property to ensure any runoff does not pose a risk to nearby wells and groundwater.

In his letter, Gottheimer asked the DEP "to consider the solid waste I have seen with my own eyes" at Wallace's site in Vernon, and provided photographic evidence disputing what the DEP has said are visual inspections that show no credible evidence of solid wastes being present in the dirt. The congressman's letter noted that Wallace had already pleaded guilty in September 2017 to six counts of unlawful solid waste disposal at six sites in Warwick, N.Y., where he had been charged with dumping an estimated 1,000 truckloads of construction and demolition debris.

DEP Acting Commissioner Kathleen Frangione, who has been filling in for McCabe over the last month, acknowledged in her reply to Gottheimer what she described as "de minimis (minimal) amounts of brick and block in the fill and possible traces of asphalt" at Wallace's Silver Spruce Drive site.

However, she stated that it was "clear" the material was not construction or demolition waste -- a finding that Gottheimer says contradicts his own observations and photos, and that also appears to contradict observations and photos by staff members of the New Jersey Herald, who have visited the site and found what appear to be chunks of asphalt, brick, rebar, concrete block and metal piping mixed in with the dirt.

Frangione's letter said the DEP, in reaching its conclusions, supplemented its visual inspections with the use of a photoionization detector, a type of gas detector capable of testing for volatile organic compounds associated with fuel. Previously, in May, a DEP spokesperson told the Herald that the inspectors had also reviewed data analytics supplied directly by Wallace, or by licensed professionals hired by him or by those making deliveries to his property.

All of these results, according to Frangione, were well within acceptable parameters, which she said rule out the need for any further action by the DEP at this time. While allowing that the DEP would respond in the future if the township became aware of petroleum-type odors or other suspect material being dumped at the site, she indicated it was otherwise a local matter and recommended the township amend its soil control ordinance that it enacted in April to include a testing requirement of its own.

Video footage

Vernon Mayor Harry Shortway, upon learning of the DEP's response, suggested the agency was trying to abdicate its responsibilities to the municipality and have it both ways.

"They're saying there's nothing there but they'll investigate if necessary, but at the same time, they won't actually do the testing to find out," he said. "How would they even know if it's hazardous or not without testing?"

The township, for now, is continuing to proceed with at least 11 new summonses it has issued Wallace for violating its soil control ordinance and for alleged zoning violations that include harboring metal drums, scrap metal, construction debris, shipping containers, and commercial trucks on his property, which is zoned for residential use.

The Sussex County Soil Conservation District -- whose August 2014 stop-work order, according to Judge Brennan, was insufficiently clear to warrant an injunction -- has also issued a new stop-work order stating unambiguously that it applies to Wallace's entire property and not just the footprint of the original disturbance, as Brennan concluded when he denied the injunction in August. The order indicates Wallace is barred from importing additional dirt or fill material onto his property until he obtains an approved soil erosion and sediment control plan from the state.

Area residents claim to have compiled video footage since then that they say shows Wallace violating the new order -- an allegation denied by Sparta attorney Jeff Patti, who represents Wallace.

Patti had previously described Wallace's Silver Spruce Drive property as merely "a staging ground" for receiving "clean top soil for my client's landscaping business," and repeated the assertion in a July 11 letter to the township suggesting he would sue the municipality and its officials if they persisted in criticizing Wallace or in blocking and turning away trucks making deliveries to Wallace's property.

At the time, Patti had also asserted in legal papers and in court that his client's activities were exempt from DEP and state soil control regulations by a November 2012 emergency order of then-Gov. Chris Christie that temporarily lifted certain restrictions following Superstorm Sandy. In legal papers and in court, Patti told the judge his client was using some of the dirt to reclaim three-fourths of an acre of his land that washed away in the storm six years ago.

Patti, however, has since acknowledged to the Herald that the claimed Sandy exemption may not apply after all, and said Saturday that he was unsure if Wallace had ever obtained an approved site plan for his landscaping business from the township Land Use Board.

But he maintained that officials are now selectively targeting his client and questioned if the township even has the authority to enforce the new stop-work order, which he said he plans to challenge in court. He also accused Gottheimer of exploiting the issue to bolster his re-election chances.

Gottheimer: 'I'm not giving up'

"I would venture to guess there are plenty of other contractors who use their property as a staging area (without having site plan approval), and I also don't think the township of Vernon is deputized to be enforcing orders of the Sussex County Soil Conservation District," Patti said.

"The DEP has been up there dozens of times and found no contamination whatsoever, and are now telling the mayor and town officials, 'Leave us alone already.' The township, in its desperation, is now violating my client's civil rights. This witch hunt has to stop."

Patti, meanwhile, still stands by an Aug. 10 tort claim notice, issued hours after the township was denied its request for an injunction for a second time, that named the mayor, zoning officer, and governing body as possible defendants for "unlawful and unconstitutional actions" and "malicious abuse of process" against his client.

Most recently, in a Sept. 27 letter to Police Chief Randy Mills, Patti accused township officers of acting as a "personal police force" for the mayor and zoning officer, who were described in the letter as having a "personal obsession to destroy Mr. Wallace's reputation, put him out of business, and drive him out of town." The letter went on to accuse

them of trespassing on Silver Spruce Drive, which Wallace claims is a private road -- an assertion disputed by Wallace's neighbors -- and warned that Vernon police officers would face criminal trespass and harassment charges if their actions continued.

Shortway has said the township isn't walking away from the issue but said the problem is bigger than Vernon's alone, and that the county and state need to help. He said he recently was told the cost to fight this in court could come to as much as \$250,000.

"We can't just walk away from this and do what a prior administration did by pretending it's a private road and not our responsibility, but our township also can't afford to fight this alone," Shortway said. "When are all these other agencies going to come together and say this is not allowed? And if there's contamination, who's going to pick up the bill for that?"

In the meantime, Gottheimer said he'll continue pressing the issue.

"I've seen with my own eyes the solid waste -- the rebar, the asphalt -- at the top of that pile, and someone needs to get to the bottom of it as well," Gottheimer said. "I'll even go get a shovel and take the sample myself if they give me permission. Hopefully there's nothing there, but until the DEP does its job, I'm not giving up."

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PRESS OF ATLANTIC CITY

[Pinelands Commission awaits DEP's next application for tree cutting](#)

By Michelle Brunetti

October 15, 2018



The Pinelands Commission has no idea when the state Department of Environmental Protection will reapply to do cut down trees around the fire tower in Bass River Township, an official said Friday.

The DEP has not submitted any paperwork to the commission, other than a letter withdrawing its initial application to clearcut about 16 acres in Bass River State Forest, said commission Executive Director Nancy Wittenberg at Friday's meeting.

She said the commission received a letter from Deputy Commissioner Ray Bukowski, saying the state will start the process over with a new application.

"They will start over again, like a new application," said Wittenberg. "It gets announced, and there is public comment."

The commission would eventually vote again on a new application.

The commission narrowly voted against allowing the DEP to do the cutting in August, with some commissioners saying they needed more information on alternatives such as use of drones, cameras or other options to spot fires.

Then at last month's meeting, commissioners voted to extend the application period to collect more information from the DEP about it.

Township residents and others who opposed the tree cutting were angry, saying it allowed the DEP to continue a closed process, but excluded the public from further comment.

Commissioner Mark Lohbauer, who voted against the cutting plan, thanked Bukowski for withdrawing the application and starting over with a new one.

"Ray Bukowski wants to address the public's questions, and in a public way," Lohbauer said. "I'm grateful to him for doing that."

When commissioners rejected the tree cutting plan, it was believed to be the first time the commissioners went against a staff recommendation to approve a public development project requested by another state agency.

The DEP's Forest Fire Service has said fire spotters' views are blocked on three sides of the 80-foot Bass River fire tower by nearby pines that were planted back in the 1930s by the Civilian Conservation Corps.

Everyone agrees the white pines and other non-native species were planted with the intention of harvesting them, but residents, local elected officials and hikers have argued the trees are a historic treasure and losing them would create an eyesore that would harm tourism.

Visitors mainly come to the area to camp and hike, they have said, and the tree cutting would affect an area on a popular hiking trail.

The issue was supposed to go to the Office of Administrative Law, to determine after a hearing whether the clear cutting could go forward and whether its scope should change.

But after commissioners extended the application period to allow DEP to answer additional questions, it was unclear if the issue would go to the court.

Commissioner Chairman Sean Earlen also told the public the record must remain closed to public comment, angering many.

The tower oversees an area of about 50,000 residents — mostly to the east — in places such as Tuckerton and Little Egg Harbor, Bass River and Eagleswood townships.

State Forest Fire Service Chief Greg McLaughlin has said he expects the aging fire tower, built by the Civilian Conservation Corps in 1937, to continue being used for the next five to 10 years.

So should a tree-cutting plan eventually move forward, it is likely another fire-spotting method will have to soon be found at the location just west of the Garden State Parkway on East Greenbush Road.

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NEW YORK DAILY NEWS

[EXCLUSIVE: Bill would require air quality monitoring around the city's DEP wastewater plants](#)

By Jillian Jorgensen

October 15, 2018

What's that smell?

The Department of Environmental Protection would be required to sniff out toxic odors outside of its wastewater plants under a new proposal from Councilman Rafael Salamanca — who said it was inspired by the smells he's noticed wafting around the Hunts Point neighborhood he represents.

"We were wondering how much of these odors have airborne pathogens," Salamanca (D-Bronx) said. "In looking at the reporting mechanism that DEP has, they didn't really test the air outside of their boundaries."

Salamanca said he frequently brings his son to Baretto Point Park in the neighborhood — not far from the area's DEP wastewater plant.

"I worry about the air that we're actually breathing, if it's contaminated," he said.

Hunts Point — home to many industrial facilities and plenty of truck traffic as the city's main food distribution hub — already has high rates of asthma. The legislation would require DEP to monitor for pollutants including greenhouse gases and airborne microorganisms, and to report the findings online.

The legislation as it will be introduced this week calls for annual reports, but Salamanca said he's hopeful they can negotiate to get that information even more frequently.

"We shouldn't have to wait annually to see what we're breathing," he said. "I want to know on a monthly basis."

The city has 14 wastewater treatment plants, and the one in Hunts Point is the third-largest, Salamanca said, behind Newtown Creek in Brooklyn and one on Wards Island.

The Hunts Point facility is frequently visited by "scavenger trucks" that dump the waste from portable toilets at DEP plants to be filtered, Salamanca said. He said he's been working with the DEP — which is keeping track of complaints about foul smells — for months.

"I want to hold DEP accountable — especially (to) communities that are taking this waste, such as mine, and...filtrating this waste," he said. "These communities are making sacrifices, we're doing more than our fair share and if we're doing more than our fair share, we're going to hold DEP accountable."

The DEP noted it had worked extensively with Salamanca on prior issues surrounding odor reports. In a letter they sent Salamanca in August, the agency said it had moved the location for scavenger trucks to dump their waste off of a public right-of-way and into plants, which it said should remove the odor issue. The department also posited in the letter that garbage trucks could be causing odors in the area.

"DEP looks forward to reviewing the bill and working with the Council Member. We are committed to being good neighbors and will continue to work with the Hunts Point community to combat any nuisance odors," a DEP spokesman said.

The bill will be introduced at the next state Council meeting on Wednesday.

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NEW JERSEY HERALD

[State orders cleanup of Vernon DPW storage yard](#)

By Eric Obernauer, Jersey Herald

October 14, 2018



VERNON -- After allegedly declining for months to conduct core sampling and testing of Joseph Wallace's suspected dump site in the township on Silver Spruce Drive, the state Department of Environmental Protection now is going after the township itself -- which requested the testing -- based on a complaint made by Wallace's lawyer.

In a recent warning letter to the township, DEP agent David Ongaro cited the township for harboring about 12 stockpiles of asphalt and asphalt millings, mixed construction and demolition debris, and street sweepings in a Department of Public Works gravel storage yard situated between Black Creek Drive and Warren Drive, in an area just to the west of State Route 94.

The warning letter, dated Sept. 19, gave the township 30 days to submit a plan for the removal and disposal of these materials and to furnish invoices showing where the materials are being taken in order to avoid further enforcement action.

Jeff Patti, Wallace's lawyer, filed the complaint in early August based on what he said was information relayed to him by Wallace himself about what Patti described as a "massive illegal dumping" operation by the township. At the time, Patti asserted that "solid waste including asphalt is being dumped almost daily by the Vernon DPW near the protected Black Creek wetlands."

An initial visit to the site by a New Jersey Herald reporter in mid-August revealed what appeared to be mounds of road grit, blocks and piles of dirt with pieces of asphalt mixed in.

A second visit to the site in late August, during which the reporter met with Patti, revealed asphalt millings as well as additional scattered debris -- most of which appeared to be several years old, or even decades old -- on a wooded hillside adjacent to the storage yard that included used tires, a rusted oil tank, and concrete and metal piping. Much of the millings and debris were obscured by heavy brush and vegetation that made them hard to detect at first.

Vernon Mayor Harry Shortway, in a recent phone conversation, said he first became aware of the site around April 2016, a few months after taking office, and that he quickly ordered it cleaned up. He said a comprehensive cleanup has been underway ever since and adamantly denied Patti's characterization of it as an active dump site.

"Unlike certain people, I don't need a DEP or court order to tell me I have to clean this up," Shortway said. "It's something we've already been doing, after years of nobody else doing anything, but there's over 10 years of mess back there and I can't clean it up overnight."

Some of the asphalt and concrete has already been taken to two companies capable of grinding it up and reusing it, he said. Some of the other materials, if determined to be clean and recyclable, may end up being brought directly to the Sussex County Municipal Utilities Authority landfill, he said.

Shortway, who has been relentless in criticizing the DEP's response to allegations of dumping on Silver Spruce Drive, asserted that the agency had been quick, by comparison, to investigate the township not only in this instance but also on two prior occasions based on what he characterized as frivolous complaints by an anonymous disgruntled resident, neither of which the DEP was able to substantiate.

In one of those instances, the complainant had accused him of "encroaching" on the Black Creek near Sand Hill Road because of two planks that had been temporarily laid across the water last summer so volunteers could clear a trail on nearby township property and Daisy Girl Scouts could hang birdhouses there.

The complainant, whose identity the mayor said was never disclosed to him, also reported him and others to the DEP for constructing a campfire pit at the DPW gravel yard. The campfire, he said, was set up so parents and children who had helped with the clearing of the trail earlier that day could enjoy roasted marshmallows and S'mores afterward. Shortway asserted that the complainant lied to the DEP by telling the agency they did not have a permit for the campfire when, in fact, they did.

Shortway questioned the fact that neither the DEP nor its inspector who came to the gravel yard to inspect the campfire pit said anything at the time about the asphalt millings, which he said were right there in plain view.

"The campfire's right next to these millings, and nobody said anything," Shortway said. "Now suddenly, after all this time, we get a warning letter and they want to see our invoices."

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BUFFALO NEWS

[Could toxic trouble at Tonawanda Coke get worse after it closes?](#)

By T.J. Pignataro, and Dan Herbeck

October 14, 2018



The first signal of Tonawanda Coke's impending demise came earlier this year when unusually acrid smoke huffed from its River Road smokestack.

As its coke oven puffs for the final time — possibly within the next few days — residents' concerns about the plant will shift from what's in the air to what's left behind at the site after 101 years of coke production. Residents want to know who'll clean up the mess after Tonawanda Coke shuts down.

"It's a great question. We don't know what's going to happen next," said Jackie James-Creedon, executive director of Citizen Science Community Resources. "Obviously, once the air pollution ceases to exist, I'd say that what would be the next concern is what's going into the Niagara River."

State Police and representatives of the state Labor Department and the state Department of Environmental Conservation are scheduled to be on location at the plant for two days, beginning Tuesday morning, to oversee shutdown operations, authorities told The Buffalo News Saturday night.

With the company shutting down, residents are left to wonder: Could the story of Tonawanda Coke actually get worse?

"They were being forced to clean up their own mess, but even as they were forced to clean up their mess, they were making more of a mess," James-Creedon said. "If you look at the aerial photos taken, that big black splotch is Tonawanda Coke."

To those who are worried, the state Department of Environmental Conservation says it has the situation under control.

Three sites on Tonawanda Coke's 160-acre footprint are already classified among some 198 sites in Erie County in the State Superfund Program, including a spot at Tonawanda Coke the DEC marked last year for "expedited cleanup" where it found coal tar deposits and elevated levels of arsenic, cyanide and other hazardous chemicals.

DEC officials said the agency will keep the community informed of any activities on the site as Tonawanda Coke discloses its official date and procedures for closure.

"DEC is committed to ensuring the Tonawanda community and the workers at the Tonawanda Coke facility are safe during the shutdown of the plant and are demanding the company undertake a safe and orderly closure," DEC Commissioner Basil Seggos told the Buffalo News in a statement. "DEC experts will be a constant presence at the site as closure operation commences, and we will ensure a comprehensive investigation of any potential contamination is launched to safeguard the Tonawanda community."

The News made repeated efforts Friday and Saturday to reach Tonawanda Coke and its owner, Paul A. Saffrin, but did not receive any response to its inquiries.

What's there?

Investigations over the years have revealed a cocktail of hazardous waste in soils on the site, including heavy metals and carcinogenic polycyclic aromatic hydrocarbons like benzoanthracene, benzopyrene and indenopyrene. Cyanide and arsenic have also been detected.

On Friday, a U.S. Environmental Protection Agency environmental engineer told federal Judge William M. Skretny in an affidavit that he was concerned about an open-air moat on the site near some chemical tanks that contained oily liquid. Once abandoned, the official feared the chemicals could wind up in the nearby river during heavy rains.

The official also expressed concerns about how the coke ovens will be secured after the plant is shut down with threats from possible asbestos or other chemical compounds like tars and sludge that have coated the ovens over years of industrial production at the site.

"Stopping the air pollution is a significant benefit to the community there," said Dr. Shaun Crawford, an environmental health consultant. "If they get into the groundwater, they can definitely migrate off-site. That's probably the next biggest concern."

Crawford, who once worked for the federal Agency for Toxic Substances and Disease Registry, has spent his career studying the effects of coke oven emissions on communities. He's done investigative work surrounding a Birmingham, Ala., coke plant and is offering consulting advice to the Tonawanda citizen science group.

Crawford said, in his experience, there's a typical process when a coke foundry closes: The company will close, file for bankruptcy and walk away. A chain-link fence goes up around the property followed by signs warning against

trespassers. Then come the evaluations, investigations and studies about what toxins remain, but Crawford said it could be decades before anything is really done for a costly clean-up.

“That leaves it to the DEC and the EPA,” Crawford said. “My guess is that it is going to be shuttered and it’s going to sit there for a while.”

That’s pretty common.

Bethlehem Steel closed more than 35 years ago. Environmental remediation remains an ongoing process in Lackawanna.

Allied Chemical left behind a poisoned Onondaga Lake in Syracuse for decades before it got cleaned up.

And Long Island’s Northrop Grumman remains a hot spot downstate as contamination and health impacts continue surfacing two decades after manufacturing there ceased.

There are more Superfund sites — defined by the EPA as sites that “are uncontrolled or abandoned sites or properties where hazardous waste or other contamination is located” — than there is money to pay for remediation.

“There is not really that much money,” Crawford said. “They do get prioritized based on the immediate impact to health.”

Joseph H. Emminger, the Town of Tonawanda supervisor, is anxious to find out what is in the ground on the Tonawanda Coke site and how much the company will contribute to cleanup expenses. He spoke briefly Friday night with DEC officials and told The Buffalo News he will talk with them again Monday.

Emminger hopes to receive more details on Monday about hazardous substances on the site.

“For years, we have concentrated on pollution in the air there and how it affects our town. Now, we have to take a look at what is in the ground,” Emminger said Saturday. “I’ve never been given any indication that it is a catastrophic situation, but we are concerned about the site. It’s a brownfield site, a contaminated area in our town. The good news is, brownfields can be reclaimed.”

Health matters

If the contamination can be kept on-site, threats to human health can be mitigated, experts said. If not, there could be problems.

“One thing to be aware of and be concerned with is the potential for heavy metal contamination,” said Jessica Castner, a former emergency nurse turned Ph.D. research scientist who studied Tonawanda Coke’s air pollution.

Castner also helped narrow the scope of the \$11.4 million University at Buffalo-run community environmental health study ordered by Skretny at Tonawanda Coke’s 2014 criminal sentencing.

That study is progressing. Researchers opened enrollment earlier this year. It’s not expected to be significantly impacted by Tonawanda Coke’s delay in remitting its roughly \$2 million final payment under Skretny’s order.

The smaller, two-phase community soil study being run through UB is also continuing. All of the payments for that study were made.

Participating residents have been advised of findings, but researchers have yet to divulge general data found by the testing.

Castner pointed out that exposure to heavy metals like those on the Tonawanda Coke site can lead to birth defects and impaired neurological development.

Another thing to watch for could be chemical-laden dust being aerosolized and carried off-site by wind, she said. Besides being carcinogenic, the known chemicals on the site are linked with increased risk of respiratory diseases like asthma.

Castner said she also fears what isn’t already known about Tonawanda Coke.

“They’re bringing in waste from other industries and integrating it into their process,” she said. “What’s going to stay on-site? That would be something very important for the public to know.”

While Tonawanda Coke was operating, they were, to a degree, at the mercy of environmental regulations — even if they weren’t always following them.

The DEC said state and federal agencies will work to stabilize the site and ensure the proper closure of tanks and disposal of any hazardous materials.

The agency also said there will be a comprehensive investigation of the entirety of the Tonawanda Coke site to find where contamination exists.

Then a cleanup plan will be developed, with public input.

The DEC added that it intends to make sure Tonawanda Coke meets all of its legal requirements under the Superfund program.

Rebecca Newberry, executive director of the Clean Air Coalition of Western New York, said she hopes government agencies hold Tonawanda Coke and its owners accountable to clean up whatever chemical waste is left behind after the business closes.

“I cannot begin to imagine the amount of toxins that are on that property,” Newberry said.

Residents vent

Kevin Hackett, Cheryl McNutt and Michael Atkinson all live within a quarter-mile of the Tonawanda Coke plant, but none of them had heard about the closing until a Buffalo News reporter told them around noon Saturday.

“It’s about damn time,” said McNutt, 58, who can easily view the coke plant’s tall brown smokestacks from the driveway of her small brick home on Kaufman Avenue. “For the people who live here, it’s been terrible. All the smells. The smoke — some days it is thicker and blacker than other days, but there’s no real let-up.”

McNutt, who has a small Town of Tonawanda playground and basketball court across the street from her home, said she hopes the plant shutdown will have long-term environmental benefits for families in the neighborhood, especially those with small children.

“I’ve been here 21 years. It’s a very serious situation,” she said.

Hackett, 52, who lives a few houses away on Kaufman, agreed.

He said he’s had enough of Tonawanda Coke — not only as a 20-year neighborhood resident, but as a 32-year volunteer with the nearby River Road Volunteer Fire Company.

“I do feel bad for all the people who will be losing jobs over there,” Hackett said. “But for the people who live around here, it’s been difficult. When the wind shifts and blows this way from the plant, you can’t even keep your windows open in the summer. There is this smell — it’s definitely a chemical smell, the smell of something burning, something industrial, nothing like the smell of burning wood or grass. It gets into your eyes and nose.”

Hackett, a former chief of the River Road volunteer company, said he’s handled at least 10 fire calls at the plant over the years. “It’s nasty back there,” he said.

Hackett said Tonawanda Coke is the only business he is aware of in the heavily industrial area that sometimes tries to stop firefighters from responding to calls on its property.

“In all my years as a firefighter, I’ve never seen that with any other business,” Hackett said.

Atkinson has lived on nearby James Avenue for 18 of his 19 years. He said he will not miss Tonawanda Coke when it shuts down operations.

"I'm glad they're closing," Atkinson said. "I won't miss those smells — weird, unique, nasty smells."

While he said he thinks the closing announcement is "good news," Atkinson said he hopes government agencies make sure the property is cleaned up in an environmentally safe manner.

"I think it's good news for future generations in this neighborhood," Atkinson said. "There are more families with young kids than there used to be, and I worry about the little kids."

Newberry, of the Clean Air Coalition, said it always strikes her when she walks past the Kaufman Street playground and sees children playing with smokestacks behind them.

"That's a really strong visual image to me," Newberry said. "You think about the people who live near Tonawanda Coke — these are the people who have borne the brunt for what has gone on there over the years."

Emminger, Tonawanda's supervisor, called news of the company's "a mixed bag" for the town. He said he is happy for town residents who have suffered from air pollution caused by Tonawanda Coke.

"The bad part is, we're losing some jobs, and we have to do everything we can to help those affected get new jobs," Emminger said. "I've been told they have approximately 50 full-time workers and about 50 part-timers and temps. I do not think this closing comes as a major surprise to people who work there."

Tonawanda Coke was paying about \$70,000 in town taxes, Emminger said.

"If we lose that \$70,000, we don't like to lose it, but it is not going to cause tax rates in the town to go up," he said.

From an environmental standpoint, Emminger said Tonawanda Coke "turned its back on this community years ago."

"The only people to blame for this situation — the shutdown — are the owners of Tonawanda Coke," Emminger said. "They have had opportunities to address the problems."

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WTNH 8 NEWS

[Clean energy-run boat to keep sewage from Long Island Sound](#)

By Associated Press

October 14, 2018



A new boat dedicated to keeping sewage out of Long Island Sound will be running on clean energy itself.

State environmental officials on Monday are helping to launch what is billed as the world's first full-sized, solar-powered pump-out boat at a marina in Branford.

The sound is a "no discharge zone" where boaters are forbidden to dump sewage, and pump-out facilities and boats with support from the state remove more than 1 million gallons of sewage from recreational boats in the area.

The new boat was designed and built in Connecticut. Much of the funding for the boat has come from a federal grant, administered through the state Department of Energy and Environmental Protection.

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National News

CNN: Scientist: EPA changes are an effort to 'gut rules' that protect public

By Ellie Kaufman and Rene Marsh- Updated 9:10 PM ET, Sat October 13, 2018

Acting EPA Administrator Andrew Wheeler has appointed five new members of an independent committee that provides advice to the EPA on national air quality standards, replacing the current members, while reducing the amount of support it gets from other scientists, according to an agency statement and emails obtained by CNN.

Wheeler's appointments mean that the Clean Air Scientific Advisory Committee's (CASAC) entire membership has been replaced over the course of the year.

The changes have left some scientists concerned that the committee will not be able to properly advise the EPA on its policies and procedures regarding national air quality standards.

"Protecting the public's health from dangerous amounts of pollutants in the air that we all breathe is the mandate of this agency," Jack Harkema, a professor of pathobiology and diagnostic investigation at Michigan State University and now-former member of the committee, told CNN. "This cannot be done without careful, deliberate and knowledgeable understanding [of] this complex environmental health issue. Multidisciplinary teams of scientific experts must be free to conduct thorough peer-review of the pertinent science. Millions of lives are at stake."

Who is the new acting head of EPA?

Under the Clean Air Act, the EPA sets national ambient air quality standards for pollutants considered harmful to public health and the environment. Those standards were updated in 2015, and the EPA is working towards setting new ones by 2020, according to the agency.

The committee provides advice to the EPA on certain aspects of that effort, including how to set standards that protect public health with "an adequate margin of safety" and the possible negative impacts of agency strategies to meet those standards, an EPA press release announcing the appointments to the committee states.

While five new members were appointed to the committee this week, two were named earlier this year, according to Lianne Sheppard, a professor of biostatistics and environmental and occupational health sciences at the University of Washington who until recently was a committee member.

Scientists recently serving on the committee told CNN that they learned they would not be reappointed when Wheeler announced the committee's five new members on Wednesday.

Sheppard said she had been on the advisory committee for one three-year term, but it was common practice for the agency to appoint members to two terms.

"A lot of us do this because we want to serve the public health, and we want to use our expertise to do that," Sheppard said. "The EPA has dismissed us. It doesn't want our input."

Wheeler has tasked the committee with leading the scientific review for any changes to the standards for ozone or particulate matter as well, according to the EPA release.

A day after Wheeler dismissed scientists on the committee and announced its five new members, the particulate matter panel, which supports the committee's work, was disbanded, according to emails obtained by CNN from a source familiar with the matter. The emails also show that another panel on ozone would not be created at all.

The emails point directly back to the EPA's press release about the committee's new members and its being tasked with the review of changes to ozone and particulate matter standards.

The particulate matter panel was made up of about 20 scientists, according to Sheppard.

Former committee member Harkema expressed concern over the EPA's decision to eliminate the supporting panels.

"The big concern is the dismantling of the ad hoc scientific panels for the review of the health effects of criteria ambient air pollutants like ozone and particulate matter," Harkema said. "This is very dangerous because these are the scientific experts who work hard at unbiasedly reviewing the health-based findings."

The Union of Concerned Scientists, an independent advocacy group, also expressed concern with the EPA's decision to remove what they called "qualified, independent experts" from the seven-member committee and for disbanding the particulate matter panel.

"The fix is in," Gretchen Goldman, research director of the Center for Science and Democracy at the Union of Concerned Scientists, said in a statement. "Every action taken by current EPA political leadership has been aimed at pushing independent science out of the process so they can gut the rules that protect the public from pollution. They've stacked the advisory boards, proposed restrictions on what science the EPA can consider, and limited the voice of independent scientists. They are determined to weaken safeguards that protect us from hazardous air pollution, regardless of the evidence. The consequences are enormous, and this represents a fundamental betrayal of the mission of the agency and the laws the EPA is supposed to enforce."

When asked why the agency decided to disband the panels, EPA spokesperson John Konkus used some of the same language from Wheeler's announcement.

"Consistent with the Clean Air Act and CASAC's charter, Acting Administrator Wheeler tasked the seven-member chartered CASAC to serve as the body to review key science assessments for the ongoing review of the particulate matter and ozone National Ambient Air Quality Standards (NAAQS)," Konkus said.

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Washington Post: EPA scraps pair of air pollution science panels

https://www.washingtonpost.com/energy-environment/2018/10/14/epa-scraps-pair-air-pollution-science-panels/?utm_term=.693afadd3c7d

The Trump administration's decision is part of a wider plan to change the way the agency reviews science.

By Dino Grandoni and Juliet Eilperin October 13

The Environmental Protection Agency moved this week to disband two outside panels of experts charged with advising the agency on limiting harmful emissions of soot and smog-forming pollutants.

The agency informed scientists advising the EPA on the health impacts of soot that their "service on the panel has concluded," according to an email shared with The Washington Post. Experts being considered to sit on a separate board evaluating ground-level ozone also received an email from the EPA saying it will no longer form the panel, which had yet to meet. The EPA had asked for nominations in July.

The decision to dissolve the panels is part of a broader effort by the EPA's leadership to change the way the agency conducts and assesses science. Those efforts include trying to limit what counts as health benefits when crafting air rules and incorporate into rulemaking only studies that make their underlying data public.

In the past, each panel had roughly two dozen researchers who reviewed the latest air pollution science and made recommendations on how to set new air standards for a specific pollutant the agency is legally obligated to regulate. These experts, who came from a variety of fields, often encouraged the EPA to impose tougher limits on the six pollutants for which it sets nationwide standards.

Now, under acting administrator Andrew Wheeler, the EPA has instead decided to let a seven-member group called the Clean Air Scientific Advisory Committee (CASAC) alone perform those assessments and make recommendations to the agency's political leaders. Previously, CASAC and the now-scrapped panels worked together to craft findings.

While its decision to disband the outside panels is a break from past administrations, concentrating power in the smaller CASAC is legal, the agency said.

"Consistent with the Clean Air Act and CASAC's charter, Acting Administrator Wheeler tasked the seven-member chartered CASAC to serve as the body to review key science assessments for the ongoing review of the particulate matter and ozone National Ambient Air Quality Standards," it said in a statement.

Environmentalists sharply criticized the decision as another instance of the Trump administration's curtailing the use of science that contradicts the president's pro-industry agenda. They argue that the committee's small size, skewed composition and lack of expertise would make it nearly impossible to fully vet the vast body of pollution science related to public health.

"By removing science and scientists, they are making it easier for the administration to set a weaker standard" said Gretchen Goldman, research director of the Union of Concerned Scientists' Center for Science and Democracy.

The EPA just selected five new members of the CASAC. Most of the committee's members come from state or local governments in conservative parts of the country, including Alabama, Georgia, Texas and Utah, rather than from universities.

In a statement Wednesday, Wheeler praised the “highly qualified” group for having “a diverse set of backgrounds in fields like toxicology, engineering, medicine, ecology, and atmospheric science.”

But Christopher Zarba, who formerly directed the EPA office that coordinates with that and other scientific committees, said “there are fewer academics” than before. Researchers from academia, he said, “bring an essential science perspective to the review process.”

The lack of academics is consistent with past policy from Trump’s EPA. Last year, the agency barred academics who received EPA grants from serving on science panels. That effectively gave experts from industry and state governments more room to participate instead.

John Walke, who directs the Natural Resources Defense Council’s clean air work, highlighted on Twitter the “alarming, outlier view” of one of those state officials appointed to the board.

Three years ago, Sabine Lange, a toxicologist who works for the Texas Commission on Environmental Quality, disputed a 2014 CASAC conclusion that short-term exposure to ozone was linked to higher mortality.

While the band of ozone high in the atmosphere protects people from harmful ultraviolet radiation, concentrations of the gas closer to the ground can cause respiratory problems. Lange wrote that the outdoor concentration of ozone “grossly overestimates” Americans’ actual exposure because they spend little time outside.

The 20-member Particulate Matter Review Panel, which was disbanded Thursday, had spent the past few years working with the EPA on developing more stringent standards for soot emitted by cars, power plants and other sources. This microscopic pollution, which can become embedded in the bloodstream and airways, has been linked to heart and lung disease.

In April 2016, the EPA issued a draft proposal to tighten the national ambient air quality standards for particulate matter and gave it to the particulate matter panel to review. By the end of August 2016, the panel had endorsed the proposal and offered some suggestions “for strengthening and improving the document.” The agency has yet to propose new soot standards, which have not been updated since 2012.

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CBS NEWS: Sidelined children's health official says EPA inaction means "kids are disposable"

<https://www.cbsnews.com/news/epa-childrens-health-official-ruth-etzel-epa-kids-disposable/>

October 15, 2018, 7:45 AM

Making sure children are protected from environmental toxins has been Dr. Ruth Etzel's job at the Environmental Protection Agency. She's the agency's top pediatric expert – the author of textbooks and policy handbooks on children's environmental health. As director of the Office of Children's Health Protection (OCHP), it was her job to determine the impacts of regulations on children.

"I often think of the Office of Children's Health as the conscience of EPA, because, you know, we're kind of nagging at them: 'Is this okay for children? Are you sure this is okay for children?'" she told correspondent Anna Werner.

But from the beginning of the Trump administration, Dr. Etzel says it seemed those above her no longer wanted her advice. "Our message is no longer welcome. The message that children are not little adults and they need special protections is not welcome," she said.

epa-dr-ruth-etzel-promo.jpg

Dr. Ruth Etzel, the EPA's top pediatric expert, was sidelined by the Trump administration. CBS NEWS
Her monthly meetings to advise the EPA administrator were abruptly halted.

"So, you had no one-on-one meetings with Scott Pruitt, and you had no one-on-one meetings with Andrew Wheeler? Not one?" asked Werner.

"Not one."

And, she says, a national strategy to remove lead from children's environments – launched after the Flint, Michigan water crisis – stalled, with one official brought in by the new administration telling her that anything involving new regulation "wouldn't fly."

"My sense is that the government has absolutely no intention of taking any action toward seriously changing lead in children's environments," Dr. Etzel said.

Werner asked, "What does that mean for the kids?"

"It basically means that our kids will continue to be poisoned," Dr. Etzel replied. "It basically means that kids are disposable, they don't matter."

But through it all, she says, she kept pushing, until about three weeks ago, when an official came into her office: "My boss, who's the deputy chief of staff, walked in and handed me a piece of paper and said, 'I'm putting you on administrative leave.' And I almost fell off of my chair. I said, 'What's this about?' And she wouldn't say."

"Did you have any idea what was happening or why it was happening?" Werner asked.

"None whatsoever."

"Did you have any warning?"

"No. No. Nothing."

Health and environmental experts who know Dr. Etzel were shocked and stunned over her being put on leave. In a letter to EPA, over 120 environmental and health organizations express their great concern, saying "by placing Dr. Etzel on leave, the EPA has sent a signal that children's health is not a priority for the agency."

So, at a meeting last week, Werner approached acting deputy chief of staff Helena Wooden-Aguilar, the person Dr. Etzel says came into her office that day.

"Why was she not told the reasons why she was put on leave?" Werner asked.

"Unfortunately, I can't comment on that," Wooden-Aguilar responded.

So, Werner asked her boss, chief of operations Henry Darwin, the man right under administrator Andrew Wheeler.

"So, it's really inappropriate for me to talk about any personnel-related issues," Darwin said.

epa-chief-of-operations-henry-darwin-anna-werner-620.jpg

EPA chief of operations Henry Darwin deflects questions about why the director of the Office of Children's Health Protection was placed on administrative leave. CBS NEWS

"Okay, but why is Dr. Etzel on administrative leave?"

"Like I just said, it's very inappropriate for me to talk about personnel issues."

"But shouldn't she have been told why she was put on administrative leave?"

"You want me to say it again? I really can't comment on personnel-related issues," Darwin said.

As for Dr. Etzel? After three weeks on paid leave, she says it's time to speak out.

"This is totally wrong, and the only people that I really report to are mothers and fathers and communities in the United States," Dr. Etzel said. "And if EPA won't let me tell about how children are being poisoned, I'll just tell the mothers and fathers directly. I have that right, whether or not EPA wants me on their staff."

Werner asked, "What if they come up later and say, 'Well, you did these things wrong?'"

"If I did, then I'll say, 'Okay.' If I didn't, then I'll say I didn't. You know? But I don't know what the allegation is, so it's very hard to know, but basically I'm a straight shooter, I'm transparent. So if I make a mistake, I own it."

The EPA referred CBS News to a statement from chief of staff Ryan Jackson, who said that Dr. Etzel "was placed on leave to give the agency the opportunity to review allegations about the director's leadership of the office."

But Dr. Etzel tells us she has never been made aware of any allegations.

The EPA insists it is committed to protecting children and maintains that Dr. Etzel's removal won't affect its work.

In a statement to CBS News, EPA Chief of Staff Ryan Jackson said,

"Although EPA does not customarily comment on personnel matters, due to circulating misinformation, the Director of EPA's Office of Children's Health Protection was placed on leave to give the Agency the opportunity to review allegations about the Director's leadership of the office."

A spokesperson for the Office of Children's Health Protection also issued a statement:

"Children's health is and has always been a top priority for the Trump Administration and the EPA in particular is focused on reducing lead exposure in schools, providing funds for a cleaner school bus fleet, and cleaning up toxic sites so that children have safe environments to learn and play. These are just a few of the dozens of objectives the EPA's Office of Children's Health will continue work on during this administration."

The EPA also provided press releases (1, 2, 3) asserting the agency's commitment to protecting children's health.

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Washington Post: The Energy 202: EPA tells air pollution scientists 'your service on the panel has concluded'

https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2018/10/15/the-energy-202-epa-tells-air-pollution-scientists-your-service-on-the-panel-has-concluded/5bc3ca831b326b7c8a8d19a5/?utm_term=.5890284474bb

By Dino Grandoni- October 15 at 8:51 AM

Emissions rise from the American Electric Power Co. (AEP) coal-fired John E. Amos Power Plant in Winfield, West Virginia. (Luke Sharrett/Bloomberg)

Under President Trump, the Environmental Protection Agency has tried to limit the outside scientific research it takes into account when it writes new regulations.

The latest example: The EPA just decided to dismiss dozens of outside scientists who were charged with advising the agency on how to set air pollution standards -- or being considered for that role.

Last week, the agency informed scientists advising the EPA on the health impacts of soot that their "service on the panel has concluded," according to an email The Post's Juliet Eilperin and I reported on over the weekend. Experts being considered to sit on a separate board evaluating ground-level ozone also received an email from the EPA saying it will no longer form the panel, which had yet to meet. The EPA had asked for nominations in July.

In the past, each panel had roughly two dozen researchers who reviewed the latest air pollution science and made recommendations on how to set new air standards for a specific pollutant the agency is legally obligated to regulate. These experts, who came from a variety of fields, often encouraged the EPA to impose tougher limits on the six pollutants for which it sets nationwide standards.

Now, under acting administrator Andrew Wheeler, the EPA has instead decided to let a seven-member group called the Clean Air Scientific Advisory Committee (CASAC) alone perform those assessments and make recommendations to the agency's political leaders. Previously, CASAC and the now-scraped panels worked together to craft findings.

Environmentalists sharply criticized the decision as another instance of the Trump administration's curtailing the use of science that contradicts the president's pro-industry agenda. "By removing science and scientists, they are making it easier for the administration to set a weaker standard" said Gretchen Goldman, research director of the Union of Concerned Scientists' Center for Science and Democracy.

While its decision to disband the outside panels is a break from past administrations, concentrating power in the smaller CASAC is legal, the agency said. "Consistent with the Clean Air Act and CASAC's charter, Acting Administrator Wheeler tasked the seven-member chartered CASAC to serve as the body to review key science assessments for the ongoing review of the particulate matter and ozone National Ambient Air Quality Standards," the agency told The Post in a statement.

The 20-member Particulate Matter Review Panel, which was disbanded Thursday, had spent the past few years working with the EPA on developing more stringent standards for soot emitted by cars, power plants and other sources. This microscopic pollution, which can become embedded in the bloodstream and airways, has been linked to heart and lung disease.

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The Regulatory Review: Restoring Science and Economics to EPA's Benefit Calculation

<https://www.theregreview.org/2018/10/15/johnston-restoring-science-economics-epa/>

Jason S. Johnston- October 15, 2018

For decades, the U.S. Environmental Protection Agency (EPA) has calculated the benefits of proposed regulations. These calculations are necessary both to justify regulation under the language of statutes they implement, such as the Clean Air Act, and to present the cost-benefit analysis that has been required under executive orders since the Reagan Administration.

Very often, as was the case for EPA's 2012 assessment of the benefits of tightening the standard for fine particulates known as PM 2.5, EPA estimates regulatory benefits by multiplying epidemiologists' estimate of the reduction in premature mortality that a new standard would generate by the value of a statistical life reported by economists.

For other regulations, such as the so-called tailpipe regulation of 2010 that raised automobile Corporate Average Fuel Economy (CAFE) standards, EPA has relied in part on epidemiological studies to get a value for statistical lives saved, but also in part on purely economic studies of the value of higher mileage vehicles to consumers.

During the spring and summer of 2018, EPA issued two rulemaking proposals that together could significantly improve its benefit calculation process. The first, and most important rule, proposed in April, would require EPA to ensure that the data justifying its regulations be "publicly available in a manner sufficient for independent validation." The second proposal, issued in June, is a request for comment on potential EPA rulemaking on how the agency conducts cost-benefit analysis.

Both proposals may seem abstract and technical. But, in fact, they could fundamentally change the process by which EPA calculates regulatory benefits. Indeed, they could effect such a fundamental improvement to the EPA's calculation of regulatory benefits that under processes revised to conform to the new regulations, benefits under both the 2012 PM 2.5 standard and the 2010 tailpipe rule would be revealed to be much smaller than EPA reported, and far smaller than their costs.

Consider first the April proposed rule that would require the public availability of the data and methods used to calculate regulatory benefits. By requiring that EPA regulations be based on data that are actually available for statistical testing by outside, non-EPA affiliated researchers, this rule would bring EPA practices up to the standard exercised in every scientific discipline, where peer-edited journals require that authors share data with other researchers and, in some instances, even require study authors to post online both data and statistical code used to derive published results. The reason that scientific journals require these disclosures is fundamental to the scientific process: Unless the authors of published work share their data and methods, future researchers cannot verify whether the reported results can be replicated and relied upon as a basis of further work.

Public availability of data and methods is crucial to the progress of science because only with such availability can scientists avoid going down dead-end roads built on previous results that were actually false. Such public availability is even more important in the regulatory context, where false scientific findings do not just cause researchers to waste time and money pursuing dead-end research, but they also justify regulations costing billions of dollars and sometimes thousands of jobs. Before such regulations are issued, the underlying science must be publicly available for replication and critical review.

The environmental lobby has objected that the April proposed rule would cut the legs out from important regulations that have been justified by studies—epidemiological studies, in particular—whose data have never been made publicly accessible for replication and review. This is true, but it is not a bad thing.

To see why, consider a particularly important EPA rule: the Obama-era EPA's 2012 rule tightening the standard for fine particulates or fine PM—that is, particles of dust and various pollutants less than 2.5 microns in diameter. As reported by the Office of Management and Budget, since 2004, the monetized value of the benefits from tougher fine PM standards make up the majority of—and for some years over 80 percent of—the quantified benefits of all regulatory benefits. The Obama EPA used the quantified benefits of fine PM reduction not only to support the new fine PM standard, but also as a side effect or “co-benefit” justifying tougher standards for other air pollutants, such as ozone, oxides of nitrogen, and even greenhouse gases.

In calculating the benefits of toughening the fine PM standard, the Obama EPA relied heavily on two long-term studies—called cohort studies—of particular individuals exposed to varying levels of fine PM. The goal of a cohort study is to see whether exposure to a particular pollutant or engaging in a particular behavior, like smoking, increases mortality risk. Cohort studies are widely used in epidemiology and biomedical research. Like clinical trials for new drugs—where a known group of people are given a new drug, and two other groups are given a placebo and an existing drug already on the market—cohort studies enlist a known group of individuals for study.

The environmental lobby argues against EPA's proposed rule primarily by noting that data from such cohort studies cannot be made publicly available without compromising promises of confidentiality made to study subjects. This argument is ludicrous. As the EPA's April proposed rule notes, there are well-known protocols for ensuring that cohort study data can be shared for purposes of replication and further scientific work without compromising the identity of study participants.

For example, following the standard practice of the Organization for Economic Co-operation and Development (OECD), the Medical Research Council of Great Britain requires the sharing of data from any study that it funds. At the same time, the Medical Research Council also requires that “data-sharing agreements must prohibit any attempt to identify study participants from the released data or otherwise breach confidentiality” or “make unapproved contact with study participants.” EPA can and should impose precisely the same requirements.

During the Obama Administration, EPA's fallback to the obvious absurdity of the argument that making data publicly available would compromise confidentiality was to make an even more absurd argument: that EPA could not get the data because it was owned by researchers who had conducted the cohort studies, not by EPA.

The problem with this argument is that both of the long-term cohort studies that provided the primary evidence for EPA's 2013 toughening of the fine PM standard were primarily funded by EPA itself. For example, as I describe in more detail in my chapter in the forthcoming Cato Institute book, *Science and Liberty*, the Health Effects Institute, which paid for reanalysis and an extended reanalysis of a long-term cohort study called the Harvard Six Cities Study, has received at least \$87 million from EPA since 2000. If EPA is paying for research, there is no reason in the world why it cannot follow the standard OECD practice of requiring both that data from such studies be shared with other researchers and that safeguards be put in place to ensure that confidentiality is not breached in that sharing.

Scientific journals these days routinely contain a list of articles corrected or retracted entirely because the results they reported have failed the scientific litmus test of replication. Certain fields, such as social psychology, now operate under a perceived “replication crisis” due to the discovery that large bodies of supposedly true results established by stars in the field were either based on fabricated data or simply cannot be replicated.

EPA's proposed rule requiring the public availability of data does no more than make EPA current with best scientific practice. Without such public availability of data, EPA regulations are not based on the scientific process as it is now undertaken; they cannot plausibly be considered science-based.

As for EPA's June proposed rule asking whether it should issue regulations setting standards for how it performs requisite cost-benefit analyses, my answer is a resounding “yes.”

There has been so little consistency in how EPA has chosen to calculate regulatory benefits that the exercise has often seemed much less an actual objective analysis and much more an attempt to find any methodology which results in estimated benefits big enough to justify a proposed rule using cost-benefit analysis.

Many examples of this inconsistent cost-benefit analysis advocacy exist. In the case of the 2010 CAFE standards, EPA rejected a large number of economic studies showing that consumers did not attach high value to increased mileage, choosing instead to multiply an estimate of reduced gallons of gas consumed by the estimate price of gasoline. The latter approach, which uses estimates of future miles driven and gasoline prices that are subject to enormous uncertainty, had the apparent virtue of increasing the value of the CAFE standard.

A few years later, around 2011, EPA initially proposed to value alternative approaches to regulating power plant cooling water intake by simply asking people how much they would hypothetically pay to protect various fish populations and aquatic ecosystems. These contingent valuation surveys attempt to elicit stated preferences, not preferences revealed by the actual choices people make. Many economists who do not make a living running these surveys believe that they do not reliably measure people's actual willingness to pay for anything.

Finally, in many of its Obama-era greenhouse gas regulations, including the 2015 Clean Power Plan, which set guidelines for states to follow in ending electric utility generation from coal-burning power plants, the biggest EPA-calculated benefit of reducing greenhouse gas emissions was the lower Social Cost of Carbon (SCC). But those SCC estimates assumed that people are very limited in their ability to adapt to climate change. Recent work has proven this assumption to be fabulously wrong as indeed it had to be, since if humans could not adapt to differing climates, our species should have vanished with the onset of the Holocene, the Netherlands should not exist, and American settlers should have failed to establish agriculture on the Great Plains.

The only standards that EPA has seemed to apply consistently in doing cost-benefit analysis are to choose whatever approach generates the largest regulatory benefits and to obfuscate rather than fully disclose the uncertainty of its estimated benefits and the dependence of those estimates on certain, and often questionable, underlying methodological choices. EPA should issue regulations setting guidelines for how it will estimate both regulatory benefits and costs, specifying that certain methodologies—such as stated preference estimates from contingent valuation—will be disfavored as unreliable.

These regulations should also establish consistency in how EPA deals with wide variation and uncertainty in estimates. In the tailpipe rule, EPA did not use any empirical estimates of consumers' revealed market preference for increased gas mileage, explaining that it ignored those because there was too much variation in reported estimates. In getting an SCC estimate, by contrast, an Interagency Working Group generated an SCC estimate for EPA's use despite enormous variation in estimated SCC—with estimates ranging from large negative SCCs, that is, net benefits from increasing atmospheric carbon dioxide concentrations, to positive SCCs in the hundreds of dollars per ton of carbon dioxide. The Interagency Working Group reported SCC estimates from three models with particular assumptions—most importantly, assuming very limited ability to adapt to future climate change.

EPA should by regulation specify how it would treat uncertainty in estimated regulatory benefits: If some studies are to be given weight while others are ignored, EPA must clearly explain which general scientific principles determine the weighting choice. Only through such regulatory guidance can EPA end its practice of ignoring uncertainty when doing so allows it to choose studies that support large regulatory benefits and dismiss studies with very low estimated benefits that weaken the case for regulation.

A particular topic that EPA's cost-benefit analysis regulations should address is how it will calculate the total benefits of reducing one pollutant—call it pollutant A—when the actions taken to reduce that pollutant also reduce the levels of another pollutant—call it pollutant B—that is also regulated directly. This is known as the “co-benefits” problem in cost-benefit analysis, with the co-benefits being the reduction in pollutant B that arise from regulations targeting pollutant A.

Take ozone as pollutant A and fine PM as pollutant B. EPA's regulation on cost-benefit analysis should clearly specify that in calculating the total benefits from reducing ozone, side benefits from reducing fine PM should be counted in the cost-benefit analysis only if the reductions in fine PM—due to the reductions in ozone—have been credibly established to be over and above those achieved by regulating fine PM directly. If this is not done, and, for example, the benefits of regulations targeted at reducing fine PM directly are added as an indirect benefit of regulations targeted at reducing other pollutants, then benefits of reducing the other pollutants may be vastly overestimated. New EPA regulations should clearly set out that benefits from reducing pollutant B should be included as a co-benefit of reducing pollutant A only to the extent that reductions in pollutant B have been credibly established to result solely from the new regulation under consideration.

EPA's rulemakings have increasingly been based on statistical analysis that has never been subject to rigorous testing and critique, and its cost-benefit analysis on oftentimes unreliable economic methods. The two rules proposed by EPA during the summer of 2018 can do much to restore the scientific and economic integrity of EPA regulations.

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Houston Chronicle: EPA weighs allowing oil companies to pump wastewater into rivers, streams

<https://www.houstonchronicle.com/business/energy/article/EPA-weighs-allowing-oil-companies-to-pump-13303676.php>

James Osborne Oct. 15, 2018 Updated: Oct. 15, 2018 8:09 a.m.

Wastewater disposal is becoming a bigger problem for oil and gas drillers. A rule of thumb is that for every barrel of oil, four or five barrels of wastewater are produced.

WASHINGTON — For almost as long as there have been oil wells in Texas, drillers have pumped the vast quantities of brackish wastewater that comes up with the oil into underground wells thousands of feet beneath the earth's surface.

But with concern growing that the underlying geology in the Permian Basin and other shale plays are reaching capacity for disposal wells, the Trump administration is examining whether to adjust decades-old federal clean water regulations to allow drillers to discharge wastewater directly into rivers and streams from which communities draw their water supplies.

Technically speaking, drillers are allowed to do this in limited circumstances under federal law, but the process of cleaning salt-, heavy metal- and chemical-laden wastewater to the point it would meet state or federal water standards is so costly, it's rarely done, experts say. Now, the U.S. Environmental Protection Agency is examining whether federal laws regulating wastewater from oil and gas wells should be adjusted.

"Technology is changing. At some point if your disposal options are limited or it becomes so expensive you're having to truck water to be disposed of several hundred miles away, companies will do it," said Jared Craighead, legal counsel to Texas Railroad Commissioner Ryan Sitton. "It might not make sense today but maybe in a year or two."

The EPA is consulting with experts and conducting public meetings around the country, toward making a decision next summer, Lee Forsgreen, deputy assistant administrator at EPA's Office of Water, said in Washington Tuesday. "We're very much in a listening mode now," he said.

The primary question facing the EPA is whether water standards can be adjusted so oil and gas companies can economically treat wastewater so it can be pumped into the water supply without contaminating drinking water supplies or killing off local wildlife.

In 2016, the EPA banned municipal sewage plants from accepting wastewater associated with hydraulic fracturing after it was discovered that water was sent to in Pennsylvania plants not equipped to properly clean it. In the midst of that state's fracking boom, residents along the Monongahela River in western Pennsylvania were advised to use bottled drinking water.

"It would be so difficult to [treat the wastewater] because there's so much we don't know," said Nichole Saunders, an attorney with the Environmental Defense Fund in Austin. "There's only a handful of research papers. We don't have approved testing methods. The complicating factor here is there's not really the science and data to inform EPA."

In Washington, lobbyists for the oil and wastewater industries are pushing hard to loosen regulations they say go too far. Their primary case to the EPA is that the treated wastewater could provide a valuable resource for drought-ravaged water supplies in the western United States, with potential uses for agriculture and industry and even drinking water supplies.

"It's an opportunity that could have some really good benefits, particularly in areas that need water," said Lee Fuller, executive vice president of the Independent Petroleum Association of America. "At this point all that water is just going back in the ground."

The Texas oil industry also faces a looming crisis. As the shale drilling boom has grown, so has the problem of what to do with the huge volumes of wastewater. A rule of thumb is that for every barrel of oil, four or five barrels of wastewater are produced.

In earlier times, drillers would pump the water right back into the same field. But they have struggled to do so in shale fields, which have tighter geology than conventional oil fields, forcing operators to send their water to off-site disposal wells, Fuller said.

As drilling activity in the Permian Basin has intensified in recent years, officials at the Texas Railroad Commission, which regulates the state's oil and gas industry, have begun to hear concerns in Upton and Reagan counties in West Texas that pressure in disposal wells building to high levels from from overuse. At the same time, a series of small earthquakes in the area has raised concerns that West Texas could succumb to the same earthquake problems that have plagued oil fields in Oklahoma and North Texas, which scientists have linked to underground wastewater disposal.

"Because of over-pressurization and concerns about seismicity we are limited where we can permit injection wells," in the Permian Basin, said Craighead, the Railroad Commission official.

Treating wastewater and then pumping it into rivers or selling it to farmers to irrigate fields would provide a much needed alternative. For now, the technology still can't treat drilling wastewater economically, but that could change soon. In El Paso, for example, the city's water utility is running a desalinization plant to treat brackish water with a salt content similar to oil wastewater to produce up to 27.5 million gallons of fresh water daily.

"What will really reduce the timeline is if [the EPA] actually comes up with discharge standards and give people an incentive to develop these technologies," said Leonard Levine, technical director at Gulf Coast Authority, a quasi-governmental agency that operates wastewater treatment plants around Houston and West Texas. "Never underestimate the ability of the oil and gas industry to develop technology quickly."

Over the next six months, oil companies will push to make their case to an EPA that under President Donald Trump has proved friendly to the oil and gas sector. Last month, the EPA proposed loosening Obama-era regulations around

methane leaks from pipelines and drilling sites. The Department of Interior is also in the process of rewriting safety standards for offshore drilling, put in place following the 2010 explosion of the Deepwater Horizon drilling rig in the Gulf of Mexico.

“If this study is not done correctly and they don’t put the proper treatments in place it would be a major step backward,” said Andrew Grinberg, special projects manager with the environmental group Clean Water Action. “The concern that it is window dressing that will give them cover to weaken the rules.”

At the Railroad Commission, staff are looking into applying to the federal government for authority to administer wastewater discharge permits, something now done by the EPA. It would entail developing testing protocols and hiring more staff, something likely to catch the attention of budget hawks in Austin, but doing so would allow the state government to control the flow of water permits, taking the EPA out of the loop.

“We’re still in the very early stages, but this could be a good alternative,” Craighead said. “Almost every Permian operator has gotten more interested in this.”

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TSCA: EPA issues TSCA 'not likely' findings for six substances

<https://chemicalwatch.com/70991/epa-issues-tsca-not-likely-findings-for-six-substances>

15 October 2018 / Substance notification & inventories, TSCA, United States

The US EPA has made affirmative findings that six new substances, evaluated under the TSCA new chemicals programme, are unlikely to pose an unreasonable risk to human health or the environment.

These 5(a)(C)(3) findings, signed on 5 October, will allow the substances to come to market without restriction.

PMNs P-18-0100 and P-18-0102

The two confidential substances, intended for use in industrial UV curable coatings resins, were evaluated under the TSCA acrylates / methacrylates chemical category and the anionic polymers chemical class.

The EPA estimated that both pose low environmental hazard, but have the potential for such health hazards as skin and eye irritation and developmental and liver toxicity.

But because worker exposures can be controlled by personal protective equipment (PPE) and there are no expected consumer exposures, the EPA determined they were unlikely to present an unreasonable risk.

P-18-0070

Based on the TSCA chemical category for esters and test data on analogous chemical substances, the EPA estimated that this chemical intermediate for the polyurethane industry presents moderate environmental hazard and the potential for blood, bladder and developmental toxicity, as well as eye irritation.

The agency determined that worker exposures could be controlled by PPE, and identified no unreasonable risk to the general population or environment. It therefore approved it for commerce.

P-18-0116

The EPA identified persistence for this industrial chemical intermediate, but noted it has low potential for bioaccumulation, such that repeated exposures are not expected to be cumulative. And the sensitisation potential

identified by data from analogous substances can be controlled through worker PPE, says the agency's 'not likely' determination.

P-18-0227

The substance, D-Glucaric acid, is intended to be used as a chemical intermediate. It also has a variety of foreseen uses beyond those identified in the pre-manufacture notice (PMN), based on patent searches the agency conducted.

The EPA estimates moderate environmental hazard, but said that the substance does not persist due to its rapid biodegradation and low potential for bioaccumulation. It flagged irritation and corrosion as two human health concerns.

Despite these potential hazards and the substance's having a variety of possible uses, the EPA expects that workers will use PPE or "otherwise handle products appropriately to limit exposure". And if the substance is ever used in consumer products, the agency expects it would only contain the substance in concentrations that are not corrosive or irritating.

P-18-0137

The substance, generically named 'alkylsilsesquioxane, ethoxy-terminated', is intended to be mixed with other components to improve water protection of construction materials.

The EPA estimated that it has moderate environmental hazard and the potential for gastrointestinal and developmental toxicity, as well as pulmonary effects, based on its inclusion in the TSCA chemical category for alkoxysilanes and the nonionic polymers chemical class.

Due to its low bioaccumulation, and that its worker exposures can be controlled by PPE, the EPA has determined it is unlikely to present an unreasonable risk.

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Lawsuit Launched Against Trump's EPA for Failing to Protect People From Dangerous Coal Pollution

https://www.biologicaldiversity.org/news/press_releases/2018/sulfur-dioxide-10-15-2018.php

Contact: Robert Ukeiley, Center for Biological Diversity, (720) 496-8568, rukeiley@biologicaldiversity.org

Brian Willis, Sierra Club, (202) 675-2386, brian.willis@sierraclub.org

For Immediate Release, October 15, 2018

Millions Across Kentucky, Six Other States at Risk From Harmful Sulfur Dioxide

TUCSON, Ariz.— Conservation and public-health groups today filed a formal notice of intent to sue the U.S. Environmental Protection Agency for failing to ensure that seven states have effective plans in place for cleaning up harmful sulfur dioxide air pollution.

The notice points out that the EPA has already determined that 12 areas where millions of people live have coal-driven sulfur dioxide pollution at levels high enough to trigger dangerous asthma attacks and harm fish and forests.

The polluted areas are in Arizona, Pennsylvania, Illinois, Michigan, Maryland, West Virginia and Kentucky, including Louisville.

"It's disgusting that coal-loving dinosaurs like Trump are forcing children to breathe dirtier, unhealthy air," said Robert Ukeiley, a senior attorney at the Center for Biological Diversity. "Our kids, the elderly and our most imperiled wildlife and fish will pay a steep price for this heartless scheme to prop up dirty, outdated coal."

Today's notice was triggered by acting EPA chief Andrew Wheeler's failure to make sure the localities are taking the legally required steps to plan for cleaning up the air pollution, which is driven primarily by dirty coal emissions. Acting Administrator Wheeler is a former coal lobbyist for Bob Murray, the chief executive officer of one of the nation's largest coal company, who donated \$300,000 to President Trump's inauguration.

The Clean Air Act requires the EPA to identify and set air-quality standards to protect human health and the environment, then ensure plans are in place to clean up that pollution to meet clean-air standards.

"The law requires that the Trump administration act to cut dangerous sulfur dioxide pollution from the air we breathe, but it has ignored those deadlines for protecting the public and is instead turning a blind eye to corporate polluters," said Sierra Club attorney Zachary Fabish. "Kids and families in some of our country's most vulnerable communities are getting sick while Wheeler violates the law by not acting, so we are taking him to court so that the safeguards that protect the public are enforced."

Measured as sulfur dioxide, sulfur pollution causes a range of public-health and environmental problems. Sulfur oxides trigger asthma attacks and developmental problems in children; they contribute to heart and lung diseases and are particularly threatening to the very young and very old. Sulfur oxides also contribute to acid rain and haze, damaging lakes, streams and ecosystems throughout the United States and decreasing visibility in national parks.

Beyond Jefferson County, Ky., which contains the city of Louisville, and St. Clair, Mich., the areas where the EPA has failed to make sure proper air-pollution plans are in place include: Hayden and Miami, Ariz.; Allegheny, Beaver, Indiana and Warren, Pa.; Marshall, W.Va.; Alton Township and Williamson County, Ill.; and Anne Arundel and Baltimore counties, Md.

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Environmental Health News: Dow wants to bolster use of a pesticide shown to hurt bees' reproduction

<https://www.ehn.org/dow-wants-to-bolster-use-of-a-pesticide-shown-to-hurt-bees-reproduction-2612584518.html>

Brian Bienkowski October 15, 2018

The request seeks to expand use of sulfoxaflor to millions more acres and on some plants that pollinators frequent

Dow AgroSciences has applied for a large expansion of sulfoxaflor, a pesticide shown to harm bees, according to a federal notice last week.

The agricultural chemical company submitted an application to the U.S. Environmental Protection Agency to allow for use of the pesticide on rice, avocados, residential ornamentals and at tree farms and greenhouses. Sulfoxaflor, which attacks the central nervous system of insects, is designed in part to replace "neonicotinoid" pesticides, which multiple studies have linked to bee colony collapse.

Research suggests sulfoxaflor may also harm pollinators. Most recently an August study in Nature linked the pesticide to reduced bumblebee reproduction.

"Sulfoxaflor-exposed colonies had a 54 percent reduction in the total number of sexual offspring produced compared with control colonies," the authors wrote. "Sulfoxaflor exposure could lead to similar environmental impacts as neonicotinoids if used on crops that attract bees in the absence of evidence-based legislation."

Neonicotinoid "replacements are just a new method of creating pretty much the same widespread harm," said Nathan Donley, a senior scientist with the Center for Biological Diversity, in a statement. "This is not the right way forward."

The EPA had previously classified sulfoxaflor "very highly toxic" to bees. The agency approved the chemical in two brand name pesticides in 2013, but two years later the U.S. 9th Circuit Court of Appeals overturned the approval because there wasn't enough evidence that the products were safe for bees.

In 2016 the pesticide was re-registered but, due to the court ruling, the EPA prohibited use "on crops attractive to bees before and during bloom" and during times when bees would be foraging.

In addition, sulfoxaflor has been used on an estimated 17.5 million acres of farmland under "emergency exemptions" granted by the EPA over the past couple years. This practice of granting emergency exemptions for pesticide use was recently criticized in a U.S. Environmental Protection Agency's Office of the Inspector General report.

"We found that the [EPA's Office of Pesticide Programs] does not have outcome measures in place to determine whether the emergency exemption process protects human health and the environment," the report stated.

The EPA will accept comments on Dow's sulfoxaflor application until November 13.

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Popular Science: The EPA just scrapped two expert panels tasked with evaluating air pollution

Some argue this is another step to take science out of the agency's decision making.

<https://www.popsci.com/epa-clean-air-science-committee-disbanded#page-2>

By Jennifer Lu 2 hours ago

When the Environmental Protection Agency announced last Wednesday that a seven-member advisory board would lead a review of national standards that safeguard the air we breathe, Christopher Frey wondered what that meant for the panel of 26 experts already selected by the agency in 2016 to do the job.

It wasn't until the next day that Frey, a professor of environmental engineering at North Carolina State University and a consultant on the 26-person panel, received two forwarded emails from the EPA informing him that his expertise was no longer needed. The original panel created to study fine particulate matter—microscopic specks of dirt, soot, smoke, and other tiny pollutants—had been disbanded. The EPA also scrapped plans to assemble a similarly-sized expert group to review ozone, more commonly known as smog, a pollutant that constricts the airways and exacerbates respiratory conditions including asthma, emphysema, and chronic bronchitis.

Prior to the emails, the EPA had given no indication that it was getting rid of the review panels, Frey says. "It was done secretly and announced as a fait accompli."

Instead, both national air quality standards will be reviewed by a pulmonary physician, five representatives from local, state, and federal environmental agencies (including an aquatic ecology and invasive species expert with the U.S. Army Corps of Engineers), and a consultant whose clients have included the American Petroleum Institute, the American Chemistry Council, and tobacco company Philip Morris International. These seven individuals, many of whom were picked by Acting Administrator Andrew Wheeler to independently advise the EPA on air issues, make up the Clean Air Science Advisory Committee, or CASAC.

"A seven-member panel just doesn't have the expertise that these review panels have," says former CASAC chair Ana Diez Roux, a dean and professor of epidemiology at Drexel University. Roux was originally supposed to chair the panel but was rotated off after her second term leading CASAC ended last year. "Having these panels of experts is how we as a society can ensure that we are objectively evaluating the scientific evidence and using it to establish standards necessary to protect public health."

Furthermore, cutting back on science opens the process up to influences from other interests that may not see public welfare as their first priority, Roux says.

Under the Clean Air Act, the EPA must review national air quality standards for six key pollutants, including particulate matter and ozone, every five years, though the process often takes longer. Standards for fine particulate pollution and ozone were last set in 2012 and 2015, respectively, with industry groups objecting that the updated standards for both pollutants were too stringent and environmental groups arguing the opposite.

Normally, each review is conducted in three stages to assess the science, risk and exposure, and policy implications for each air pollutant. These assessments are then reviewed by an independent panel of experts made up of CASAC members and an array of scientists selected for their area of expertise, who send their recommendations back to EPA. The goal is to consider whether the standard adequately protects public health or needs revision based on the most up-to-date scientific evidence.

Last year, ousted EPA Administrator Scott Pruitt banned scientists who received EPA research grants from serving on any science advisory board, a move that favors regulatory and industry scientists over academic researchers.

In April, Pruitt unveiled a proposed rule to prevent the agency from considering studies that use "secret science," including epidemiological studies based on private personal health data. Perhaps not coincidentally, the crusade for "transparency" in science originated from industry backlash to a 1993 Harvard Six Cities Study (whose author was on the disbanded particulate matter review panel) and a 1995 American Cancer Society study. Both studies found statistically significant associations between fine particle pollution and increased death rates, which compelled the EPA to start regulating fine particulate matter as an air pollutant in 1997.

In May, Pruitt also ordered the agency to consider the economic costs of setting air quality standards and to "seek efficiencies" by potentially combining the science, risk and exposure, and policy assessments into a single review, further stoking fears that the agency would sideline science in its decision-making process.

Since the EPA under Wheeler says it will release a distinct science assessment for particulate matter in the next two weeks, all eyes are watching to see which scientific studies make the cut.

Last year, a landmark New England Journal of Medicine study analyzing Medicare data from almost 61 million individuals found a strong relationship between shortened life expectancy and exposure to fine particle pollution—even at levels below the current annual standard of 12 $\mu\text{g}/\text{m}^3$. This was especially true for men, minorities, and people with lower incomes.

"It's very notable because of its sample size. The findings are statistically significant. And it would meet the requirements of the transparency rule," Frey says. "I don't want to prejudge too much because it needs to be looked at in detail, but it's an example of a study that's likely to be significant."

That's why it's so important to have a multi-disciplinary panel of experts with in-depth knowledge of different areas including air quality monitoring techniques, modeling, human exposure pathways, toxicology, epidemiology, medicine, statistics and risk assessment, Frey says. "To have the same seven people reviewing two of arguably the most important air quality standards on a shortened schedule—when there's a lot of new science—is just not credible."

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Think Progress: Head of EPA's children's health office fears 'kids are disposable' under Trump

Children's health chief Ruth Etzel was placed on administrative leave three weeks ago without explanation.

<https://thinkprogress.org/head-of-epas-childrens-health-office-fears-kids-are-disposable-under-trump-0580af12b77b/>

MARK HAND- OCT 15, 2018, 1:24 PM

The director of the EPA's Office of Children's Health Protection speaks out about the agency's lack of attention paid to children's health issues. CREDIT: CBS News/screenshot

THE DIRECTOR OF THE EPA'S OFFICE OF CHILDREN'S HEALTH PROTECTION SPEAKS OUT ABOUT THE AGENCY'S LACK OF ATTENTION PAID TO CHILDREN'S HEALTH ISSUES. CREDIT: CBS NEWS/SCREENSHOT

The Trump administration is refusing to consider any new regulations to protect children from environmental hazards, according to Dr. Ruth Etzel, director of the Environmental Protection Agency (EPA) Office of Children's Health Protection, who was placed on administrative leave three weeks ago.

In particular, Etzel sounded the alarm about ongoing risks to children from lead contamination.

The water crisis in Flint, Michigan, led to calls for a national strategy for protecting children from lead poisoning. But when President Donald Trump took office, the message at the EPA was that no new regulations would be considered to help children avoid lead contamination, Etzel said in an interview with CBS News broadcast on Monday.

Children younger than six years are especially vulnerable to lead poisoning, which can severely affect mental and physical development.

"My sense is that the new government has absolutely no intention of taking any action towards seriously changing lead in children's environments," Etzel said. "It basically means that our kids will continue to be poisoned. It basically means that kids are disposable. They don't matter."

The Trump administration placed Etzel on administrative leave in late September. After getting no explanation from Trump officials on why she was placed on leave, Etzel chose to speak out about how the Trump EPA is neglecting to take measures to protect children from lead poisoning and other environmental hazards.

EPA Chief of Staff Ryan Jackson said in a statement provided to CBS News that Etzel "was placed on leave to give the agency the opportunity to review allegations about the director's leadership of the office."

Etzel, a pediatrician and epidemiologist who has been a leader in children's environmental health for 30 years, joined the EPA in 2015 after having served as a senior officer for environmental health research at the World Health Organization. Etzel reportedly is not facing disciplinary action and is continuing to receive pay and benefits.

In the interview with CBS News, Etzel said she often views the Office of Children's Health Protection as the "conscience of the EPA." Her office is "often nagging" at other agency officials, constantly asking, "Is this okay for children? Are you sure this is okay for children?"

Etzel's office, however, did not prevail last year when then-EPA Administrator Scott Pruitt rejected a ban on the organophosphate pesticide chlorpyrifos, which paralyzes the nervous system of insects — and which has been linked directly to fetal brain damage. One study found that "US children born in 2010 lost 1.8 million IQ points and 7,500 children had their IQs shifted into the intellectual disability range as a result of prenatal organophosphate exposures."

Cardboard cutouts of children wearing surgical masks are seen during a protest outside EPA headquarters on August 2, 2018 in Washington, DC. CREDIT: Alex Wong/Getty Images.

Trump's EPA makes 'sneaky' move to hamstring its children's health office

The Office of Children's Health Protection was created by President Bill Clinton and then EPA-Chief Carol Browner in 1997. It was given an explicit mission "to make the protection of children's health a fundamental goal of public health and environmental protection in the United States."

Children can be more vulnerable than adults to pollutants or chemicals because their bodies are still developing and because they eat, drink and breathe more, relative to their size. Furthermore, their behaviors, such as crawling or putting things in their mouths, potentially expose them to chemicals or other harmful substances.

Since Trump took office, his administration has taken numerous actions that do not bode well for the future health of American children. Beyond the EPA, for example, the president wants to fix the federal deficit, caused by his tax cuts, by cutting, billions from children's health care.

Children play at a housing complex in East Chicago, Indiana. The soil at the complex has been found to contain high levels of lead and arsenic. CREDIT: Joshua Lott/Getty Images

Donald Trump accused of 'waging a war on children' through EPA regulatory rollbacks

"Our message is no longer welcome — the message that children are not little adults and they need special protections is not welcome," Etzel said.

Etzel said she has not had a one-on-one meeting with either former EPA Administrator Pruitt or Acting Administrator Andrew Wheeler since the new Trump administration took office to discuss children's health and environmental issues.

But she appears prepared to find other ways to advocate for children's health while she remains on administrative leave. "If EPA won't let me tell about how children are being poisoned, I'll just tell the mothers and fathers directly," Etzel told CBS News. "I have the right, whether or not EPA wants me on their staff."

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The Hill: Suspended EPA health official: Administration's actions mean 'kids are disposable'

BY TIMOTHY CAMA - 10/15/18 02:37 PM EDT

The suspended Environmental Protection Agency (EPA) official for children's health says the Trump administration's actions show it doesn't care for children.

Ruth Etzel, the director of the Office of Children's Health Protection who was suspended last month, told CBS News that she still doesn't know why she disciplinary action was taken against her.

"Our message is no longer welcome," she told CBS. "The message that children are not little adults and they need special protections is not welcome."

Etzel said that before her suspension she used to have monthly meetings with the administrator — previously Scott Pruitt and now acting head Andrew Wheeler — but those stopped.

She also said one of the Trump administration's landmark priorities for children's health — reducing lead content in water — has stalled and that an official told her the administration would never allow a new EPA regulation on lead.

"My sense is that the government has absolutely no intention of taking any action toward seriously changing lead in children's environments," she said. "It basically means that our kids will continue to be poisoned. It basically means that kids are disposable, they don't matter."

CBS approached both EPA acting deputy chief of staff Helena Wooden-Aguilar and acting Deputy Administrator Henry Darwin to ask about Etzel, but both declined to comment, citing personnel matters.

Wheeler told reporters earlier this month that Etzel was suspended so the EPA could "investigate some allegations" regarding her work. He did not elaborate.

An EPA spokesman on Monday expanded on Wheeler's previous remarks, saying Etzel was put on administrative leave "because of serious reports made against her by staff regarding her leadership" of the children's health office.

"It's unfortunate that she has decided to go to the press in what appears to be an attempt to distract from these allegations," the spokesman said. "The agency believes Dr. Etzel's characterizations misrepresent the situation; this is about allegations of a person's actions, not the office."

Updated at 3:26 p.m.

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ABC News: Ousted EPA scientist says agency effort to protect children from lead has stalled

<https://abcnews.go.com/Politics/ousted-epa-scientist-agency-effort-protect-children-lead/story?id=58507247>

By STEPHANIE EBBS Oct 15, 2018, 2:01 PM ET

The federal government's push to prevent lead from harming children's health has stalled, according to a top scientist at the Environmental Protection Agency who was recently pushed out of her job.

The scientist, Ruth Etzel, recently told CBS News the U.S. effort to stop children from being exposed to lead proposed after the Flint water crisis stalled under the Trump administration. She said one official told her anything involving new regulation "wouldn't fly."

"My sense is that the government has absolutely no intention of taking any action toward seriously changing lead in children's environments," Etzel said.

Etzel was the agency's senior pediatric expert until she was recently placed on administrative leave from her position as director of the Office of Children's Health.

ABC News did not immediately reach Etzel for comment.

An EPA spokesman could not be immediately reached for comment.

Etzel's allegations come as Flint, Michigan, continues to recover from a massive public health crisis caused by lead in its waters pipes. The city's tap water became contaminated in 2014 after officials switched from the Detroit system to the Flint River to save money, exposing residents to lead. This July, the EPA's Inspector General called on the federal agency to strengthen its oversight of state drinking water systems nationally and respond more quickly to public health emergencies such as the Flint crisis.

Etzel was placed on administrative leave from her job at the agency three weeks ago. She told CBS that she wasn't told why but the EPA has said that she was placed on leave to investigate allegations about her leadership of the Office of Children's Health. EPA officials have declined to provide any further details, saying they do not comment on personnel matters.

(MORE: Trump admin touts children's health programs amid questions about ousting top scientist)

More than 120 organizations environmental and health organizations, including the American Academy of Pediatrics, wrote to acting EPA Administrator Andrew Wheeler asking for an explanation for why Etzel was placed on leave and a commitment that the agency will still make children's health issues a priority.

"The current EPA leadership talks about children's health, and it is literally that — just talk," Olga Naidenko, science adviser for the Environmental Working Group said. "When it comes to action — such as protecting children from exposure to lead, mercury and harmful pesticides — what we see is administration activities aimed to roll back children's health protections, not strengthen them."

Naidenko also serves on an EPA advisory committee on children's health issues.

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